

EXHIBIT C

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Case No.: 1:21-cv-08732-JMF

JOSEPH PASQUARELLO,

Plaintiff,

v.

CROTHALL HEALTHCARE, INC. and MICHAEL
ROCHE,

Defendants

Zoom Videoconference Deposition

August 5, 2022

10:16 a.m.

VIRTUAL DEPOSITION of MICHAEL ROCHE,
the Defendant and 30(b) (6) Witness, in the
above-entitled action, held at the above
time and place via Zoom Videoconference,
taken before Melissa Coreas, a Shorthand
Reporter and Notary Public of the State of
New York, pursuant to the Federal Rules of
Civil Procedure, Notice, and stipulations
between Counsel.

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<p>1 2 APPEARANCES VIA ZOOM VIDEOCONFERENCE: 3 4 JOSEPH & KIRSCHENBAUM, LLP 5 Attorneys for Plaintiff 6 32 Broadway 7 Suite 601 8 New York, New York 10004 9 10 BY: LEAH SELIGER, ESQ. 11 12 LITTLER MENDELSON, P.C. 13 Attorneys for Defendants 14 900 Third Avenue 15 New York, New York 10022 16 BY: SHAWN MATTHEW CLARK, ESQ. & ZACK 17 SHARPE, ESQ. 18 File #: 024778.1655 19 20 21 22 23 24 25</p> <p style="text-align: center;">* * *</p>	Page 2	<p>1 2 THE COURT REPORTER: Due to the 3 need for this deposition to take place 4 remotely, the parties will stipulate 5 that the court reporter may swear in 6 the witness over Zoom Videoconference 7 and that the witness has verified that 8 he is, in fact, Michael Roche. 9 MR. CLARK: Yep. Defendants so 10 stipulate. 11 MR. SHARPE: Defendants so 12 stipulate. 13 MS. SELIGER: Plaintiff so 14 stipulates. 15 M I C H A E L R O C H E, the Witness 16 herein, having first been duly sworn by 17 the Notary Public, was examined and 18 testified as follows: 19 BY THE 20 COURT REPORTER: 21 Q. Please state your full name for 22 the record. 23 A. Michael Roche. 24 Q. Please state your address for 25 the record.</p>
<p>1 2 STIPULATIONS 3 IT IS HEREBY STIPULATED AND AGREED, by 4 and among counsel for the respective 5 parties hereto, that the filing, sealing 6 and certification of the within deposition 7 shall be and the same are hereby waived; 8 IT IS FURTHER STIPULATED AND AGREED 9 that all objections, except as to form of 10 the question, shall be reserved to the 11 time of the trial; 12 IT IS FURTHER STIPULATED AND AGREED 13 that the within deposition may be signed 14 before any Notary Public with the same 15 force and effect as if signed and sworn to 16 before the Court. 17 * * * <p>18 19 20 21 22 23 24 25</p> </p>	Page 3	<p>1 2 A. 468 Belden Hill Road, Wilton, 3 Connecticut 06897. 4 EXAMINATION BY 5 MS. SELIGER: 6 Q. So Mr. Roche, is it Roesh 7 (phnetic) or Roach (phnetic)? 8 A. Roach (phnetic). 9 Q. Okay. Have you ever been 10 deposed before? 11 A. No. 12 Q. So Melissa took some of my work 13 away. She already gave you some of the 14 instructions I intended to give you, but 15 I'm going to go through my usual 16 instructions just to make sure we're all 17 on the same page. 18 I'm going to be asking you a 19 number of questions today, and the court 20 reporter is going to be taking down 21 everything we say. So because she's 22 transcribing this, it's important that all 23 of your responses be oral, verbal 24 responses. She cannot record any nods or 25 gestures. Do you understand this?</p>

<p>1 M. ROCHE</p> <p>2 A. (No verbal response given.)</p> <p>3 Q. Are you nodding yes to that?</p> <p>4 A. I said yes.</p> <p>5 Q. Oh, okay. Sorry. I didn't hear 6 the sound. The court reporter has sworn 7 you in and you're answering all questions 8 under oath today. Do you understand that 9 you have the same obligation to tell the 10 truth and are subject to the same 11 penalties for perjury as if you were 12 testifying in court?</p> <p>13 A. Yes, I do.</p> <p>14 Q. If you don't understand a 15 question that I ask, please let me know, 16 and I'll rephrase it. If you answer the 17 question, I will assume that you 18 understood it. Does that make sense?</p> <p>19 A. Yes.</p> <p>20 Q. As Melissa said, let me finish 21 asking the question before you answer it, 22 and I will also make sure to let you 23 finish your answers before I start.</p> <p>24 If you need a break at any time 25 today, please let us know. I'm sure we</p>	Page 6	<p>1 M. ROCHE</p> <p>2 you understand this instruction?</p> <p>3 A. Yes.</p> <p>4 Q. Are you currently taking any 5 medications that may impair your ability 6 to testify truthfully today?</p> <p>7 A. No.</p> <p>8 Q. Is there any other reason why 9 you may not be able to testify truthfully 10 today?</p> <p>11 A. No.</p> <p>12 Q. Are you currently taking any 13 medications that may impair your memory?</p> <p>14 A. No.</p> <p>15 Q. Is there any other reason that 16 your memory may be impaired today?</p> <p>17 A. No.</p> <p>18 Q. Have you ever been a party to a 19 lawsuit?</p> <p>20 A. No.</p> <p>21 Q. Without revealing any 22 attorney-client communications, what, if 23 anything, did you do to prepare for this 24 deposition?</p> <p>25 A. I had a prep call yesterday.</p>	Page 8
<p>1 M. ROCHE</p> <p>2 can accommodate breaks, and we'll 3 certainly need them. I just ask that if a 4 question is pending, if I've already asked 5 a question, please answer the question 6 first and then we can go on the break. 7 Does that make sense?</p> <p>8 A. Yes.</p> <p>9 Q. Also, you may talk to your 10 lawyer before a question is asked or after 11 you've answered a question, but not while 12 a question is pending; is that clear?</p> <p>13 A. Yes.</p> <p>14 THE COURT REPORTER: Mr. Roche, 15 you got a little low there. I don't 16 know if it was, you know, the audio or 17 anything like that, but just try and 18 keep your voice nice and loud. But I 19 did hear the "yes."</p> <p>20 THE WITNESS: Sure. Yes.</p> <p>21 Q. During this deposition, your 22 attorney may object to my questions; 23 however, unless he specifically instructs 24 you not to answer a question, you must 25 answer even if your attorney objects. Do</p>	Page 7	<p>1 M. ROCHE</p> <p>2 Q. And did you review any documents 3 in preparation for the deposition?</p> <p>4 A. Briefly, yes.</p> <p>5 Q. Did you bring any documents with 6 you to this deposition?</p> <p>7 A. No.</p> <p>8 Q. Did you talk to anyone other 9 than your attorneys about the deposition?</p> <p>10 A. Yes.</p> <p>11 Q. Who was that?</p> <p>12 A. My wife.</p> <p>13 Q. Today, you are here testifying 14 in both your personal capacity and as 15 Crothall's -- Crothall Healthcare's 16 30(b)(6) witness; is that correct?</p> <p>17 A. Yes.</p> <p>18 Q. One last thing for my 19 preliminary questions. I'm going to be 20 referring to the plaintiff in this case as 21 Plaintiff or Joe Pasquarello or Joe. If 22 at any time I ask a question and you're 23 not sure who I'm referring to, please tell 24 me that you need clarification before you 25 answer. Is that -- is that clear?</p>	Page 9

<p>1 M. ROCHE 2 A. Yes. 3 Q. Okay. Great. Let's start at 4 the very beginning. Do you have a college 5 degree? 6 A. Yes. 7 Q. What did you study in college? 8 A. Mechanical engineering. 9 Q. Do you have any advanced 10 degrees? 11 A. No. 12 Q. Do you have any fire safety 13 training? 14 A. Yes. 15 Q. What is that training? 16 A. I've received certificates of 17 fitness, as well as training through 18 Crothall when I started with the company. 19 Q. What was that training with the 20 company? 21 A. It's called Foundations. 22 Q. And what do they teach or train 23 you on in Foundations? 24 A. They train us on the Fire Safety 25 program, how it's supposed to be run, and</p>	Page 10	<p>1 M. ROCHE 2 from an engineering standpoint, what the 3 requirements are, and it teaches the -- 4 our training systems, such as TeamOps. 5 Q. Okay. And what is TeamOps? 6 A. TeamOps is a program that we use 7 to track all of our work orders. 8 Q. And I'm sure we'll talk about 9 this later, but what is TeamDocs [sic]? 10 A. TeamDocs is a newer program that 11 is used to house all of our documents and 12 our records. 13 Q. And do you receive training on 14 TeamDocs as well at -- at this program 15 you've been describing? 16 A. I did not because TeamDocs did 17 not exist at the time that I went through 18 the program. 19 Q. And now, would that program 20 include training on TeamDocs? 21 A. It would likely include that, 22 although that program is -- has not 23 restarted since COVID because we're still 24 not able to gather together in a 25 conference room setting.</p>	Page 12
<p>1 M. ROCHE 2 what code requirements to follow. 3 Q. And who participates in that 4 program, in that training program? 5 A. The managers that start with 6 Crothall, as well as senior leadership and 7 subject matter experts. 8 Q. Those different people you just 9 described, are you referring to those 10 people within the Facilities Management 11 division? 12 A. Yes. 13 Q. Is it anyone beyond Facilities 14 Management? 15 A. No. 16 Q. Can you remind me what the name 17 of that training is? I'm sorry. I 18 forgot. 19 A. Foundations. 20 Q. Foundations. And is there 21 anything else that's taught in that course 22 or -- or training program? 23 A. Yes. 24 Q. What else? 25 A. Teaches how our program is run</p>	Page 11	<p>1 M. ROCHE 2 Q. Got it. What is your current 3 job title? 4 A. I have two current job titles. 5 I have a title from Mount Sinai Hospital, 6 and I have a title from Crothall 7 Healthcare. 8 Q. Can you tell me what your title 9 is under each organization? 10 A. Yes. For Mount Sinai, I'm a 11 senior director of engineering. For 12 Crothall, I'm a regional director of 13 operations. 14 Q. Okay. And how long have you 15 held these positions? Or -- or those 16 current titles, I should say? 17 A. Those are current. 18 Q. Since when? 19 A. I've been a senior director for 20 approximately four years, and I've been a 21 regional director of operations for 22 approximately three months. 23 Q. And prior to being a regional 24 director of operations, what was your 25 title?</p>	Page 13

<p>1 M. ROCHE</p> <p>2 A. My title was resident regional 3 manager.</p> <p>4 Q. Okay. And do you have separate 5 job responsibilities under each title?</p> <p>6 A. There's separate requirements on 7 the Crothall side in terms of finance, but 8 beyond that, they are -- they're mirrored; 9 same oversight responsibilities.</p> <p>10 Q. And what were the titles you had 11 from both organizations when Plaintiff was 12 employed at Crothall?</p> <p>13 A. Mount Sinai, I was still the 14 senior director of engineering, and from 15 Crothall, I was the two titles already 16 mentioned.</p> <p>17 Q. You had two titles from Crothall 18 during Mr. Pasquarello's tenure?</p> <p>19 A. Excuse me. No. Let me retract 20 that. My recent title change was -- was 21 very recent. I was the resident regional 22 manager during Pasquarello's tenure.</p> <p>23 Q. Okay. And have -- have your 24 actual responsibilities changed since you 25 got that new title you -- I think you said</p>	Page 14	<p>1 M. ROCHE</p> <p>2 for a period of time, Doug Rome, Richard 3 Cannata. I believe that's it.</p> <p>4 Q. Okay. And are you responsible 5 for writing performance evaluations for 6 your direct reports?</p> <p>7 A. I am, yes.</p> <p>8 Q. And do you write them for anyone 9 other than your -- do you write 10 performance evaluations for anyone other 11 than your direct reports?</p> <p>12 A. I do not. There may be a time 13 where I would provide guidance or feedback 14 on a lower level manager, but I would not 15 be -- that would not be required. Only as 16 needed.</p> <p>17 Q. Okay. And do you make decisions 18 with respect to compensation amounts for 19 your direct reports?</p> <p>20 A. Decisions when staffing -- when 21 there is a new hire? Yes.</p> <p>22 Q. Do you make decisions with 23 respect to compensation for employees who 24 are not directly reporting to you, but may 25 be a level down or -- or even further down</p>	Page 16
<p>1 M. ROCHE</p> <p>2 three months ago?</p> <p>3 A. Yes, they have.</p> <p>4 Q. Okay. So can you describe to me 5 what your responsibilities were, but 6 during the time that Mr. Pasquarello was 7 employed?</p> <p>8 A. I'm responsible for or I was 9 responsible for all aspects of Engineering 10 and Fire Safety, oversight of 11 approximately five million square feet and 12 approximately a hundred million dollar a 13 year operational budget with a \$40 million 14 capital budget all rolling up in the two 15 hospitals; Mount Sinai Hospital and Mount 16 Sinai Queens, approximately 160 union 17 employees, and approximately 34 Crothall 18 employees reporting up through me.</p> <p>19 Q. Got it. And how many employees 20 were you directly supervising at that 21 time?</p> <p>22 A. Around six.</p> <p>23 Q. Do you recall who they were?</p> <p>24 A. At that time, Joe Pasquarello, 25 Ryan Nowicki, Robert Denver, Omelfi Garcia</p>	Page 15	<p>1 M. ROCHE</p> <p>2 the chain?</p> <p>3 A. Not regularly, but it would not 4 be uncommon for a manager to ask my 5 opinion.</p> <p>6 Q. Okay. Were you involved in the 7 decision regarding compensation for Joe 8 Pasquarello when he was hired?</p> <p>9 MR. CLARK: Objection to form.</p> <p>10 You can answer.</p> <p>11 A. Yes.</p> <p>12 Q. Were you -- were you involved in 13 the decision regarding the compensation 14 offered to Matt Bond when he reported to 15 you?</p> <p>16 A. Yes.</p> <p>17 Q. Were you involved in the 18 decisions regarding compensation for Ryan 19 Nowicki?</p> <p>20 A. No.</p> <p>21 THE COURT REPORTER: I'm sorry, 22 sir. Your answer was "no"?</p> <p>23 THE WITNESS: That's correct.</p> <p>24 My answer was "no."</p> <p>25 THE COURT REPORTER: Thank you.</p>	Page 17

<p>1 M. ROCHE</p> <p>2 Q. Were you involved in</p> <p>3 compensation decisions regarding</p> <p>4 compensation for Doug Rome?</p> <p>5 A. Yes.</p> <p>6 Q. Sorry. I'm trying to remember</p> <p>7 the names you said. Were you involved in</p> <p>8 decisions regarding a compensation amount</p> <p>9 for Bobby Denver?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And you mentioned that</p> <p>12 you oversee two hospitals. What -- what</p> <p>13 were the two hospitals that you mentioned?</p> <p>14 A. Mount Sinai Hospital and Mount</p> <p>15 Sinai Queens.</p> <p>16 Q. Okay. And how many actual</p> <p>17 buildings comprise the Mount Sinai</p> <p>18 Hospital system?</p> <p>19 MR. CLARK: Objection to form.</p> <p>20 A. There are -- there are 6</p> <p>21 healthcare buildings, and in total,</p> <p>22 including real estate, there are</p> <p>23 approximately 14 buildings.</p> <p>24 Q. Okay. And with respect to Mount</p> <p>25 Sinai Queens, how many buildings are part</p>	Page 18	<p>1 M. ROCHE</p> <p>2 A. Currently, there are 18</p> <p>3 positions. When Joe started, there were I</p> <p>4 believe 12.</p> <p>5 Q. And when he left, how many were</p> <p>6 there?</p> <p>7 A. I believe we were budgeted for</p> <p>8 18. I don't think they were all filled at</p> <p>9 the time, but we were recruiting for 18.</p> <p>10 Q. And in Mount Sinai Queens, do</p> <p>11 you know how many fire marshals are</p> <p>12 employed there?</p> <p>13 A. Yes.</p> <p>14 Q. How many are there?</p> <p>15 A. There are six.</p> <p>16 Q. Okay. Is that because it's a</p> <p>17 fewer number of buildings?</p> <p>18 A. Yes.</p> <p>19 Q. When did you start working at</p> <p>20 Crothall?</p> <p>21 A. Two thousand thirteen.</p> <p>22 Q. And what other titles have you</p> <p>23 had since -- since you've started at the</p> <p>24 company?</p> <p>25 A. I started as an operations</p>	Page 20
<p>1 M. ROCHE</p> <p>2 of that system?</p> <p>3 MR. CLARK: Objection to form.</p> <p>4 A. Mount Sinai Queens has two</p> <p>5 hospital buildings and approximately four</p> <p>6 off-site clinics.</p> <p>7 Q. So is the -- the facilities</p> <p>8 management services that you oversee, do</p> <p>9 you over -- sorry. Do those facilities</p> <p>10 management services address all of the</p> <p>11 buildings that you just described in Mount</p> <p>12 Sinai Hospital?</p> <p>13 A. Yes.</p> <p>14 Q. And the same for Mount Sinai</p> <p>15 Queens?</p> <p>16 MR. CLARK: Objection to form.</p> <p>17 A. Yes.</p> <p>18 Q. And do you know how many</p> <p>19 buildings -- I know you don't oversee</p> <p>20 Mount Sinai Beth Israel, but do you know</p> <p>21 how many buildings are part of that</p> <p>22 hospital?</p> <p>23 A. No.</p> <p>24 Q. How many fire marshals are</p> <p>25 employed at Mount Sinai Hospital?</p>	Page 19	<p>1 M. ROCHE</p> <p>2 manager. I was promoted to the director</p> <p>3 of engineering for the School of Medicine.</p> <p>4 I was then promoted to the director of</p> <p>5 engineering for the hospital, and I was</p> <p>6 then promoted to senior director of</p> <p>7 engineering for the campus. And then I</p> <p>8 was promoted to that same role, senior</p> <p>9 director of engineering for the campus,</p> <p>10 with additional oversight of Mount Sinai</p> <p>11 Queens.</p> <p>12 Q. So when you say "the campus," is</p> <p>13 that referring to Mount Sinai Hospital?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And how old are you?</p> <p>16 A. Thirty-four.</p> <p>17 Q. And when Joe Pasquarello worked</p> <p>18 at Crothall, I think you may have said</p> <p>19 this already, but were you his direct</p> <p>20 supervisor?</p> <p>21 A. Yes, I was.</p> <p>22 Q. And what was Joe Pasquarello's</p> <p>23 title when he was working at Crothall?</p> <p>24 A. Joe was the assistant director</p> <p>25 of fire safety.</p>	Page 21

<p>1 M. ROCHE</p> <p>2 Q. Are you aware of any employees 3 at Crothall other than Joe Pasquarello 4 that have filed internal complaints 5 against you?</p> <p>6 A. Are you asking for the whole -- 7 my -- throughout my duration within -- 8 with the company?</p> <p>9 Q. Yes.</p> <p>10 A. Then, yes, I am.</p> <p>11 Q. Who were those employees?</p> <p>12 A. Celeste Valentine.</p> <p>13 Q. Sorry. I didn't hear.</p> <p>14 A. Her name was Celeste Valentine.</p> <p>15 Q. And do you remember 16 approximately when that was?</p> <p>17 A. I believe it was around 2015, 18 but I do not remember the specifics of it.</p> <p>19 Q. Do you remember what her 20 complaint was?</p> <p>21 A. I know she has a long history of 22 progressive counselings. I believe she 23 put a complaint -- filed a complaint 24 against me. The only thing that I 25 remember related to it was that it was</p>	Page 22	<p>1 M. ROCHE</p> <p>2 Q. When Joe Pasquarello was at 3 Crothall, how often did the two of you 4 interact in person per week?</p> <p>5 A. Daily.</p> <p>6 Q. Did you also speak on the phone?</p> <p>7 A. As needed.</p> <p>8 Q. And did you also e-mail each 9 other?</p> <p>10 A. Yes, as needed.</p> <p>11 Q. So most frequently, your 12 interaction was in person; is that 13 correct?</p> <p>14 A. I don't know that that was any 15 more frequent than e-mail, but it was not 16 uncommon to interact in any of those 17 forms.</p> <p>18 Q. Okay. And did you write Joe 19 Pasquarello's performance reviews?</p> <p>20 A. Joe Pasquarello only had one 21 performance review due to the length of 22 time he was with the company, but yes, I 23 wrote that one review.</p> <p>24 Q. Okay. And were there any other 25 places where you documented your</p>	Page 24
<p>1 M. ROCHE</p> <p>2 investigated, and it was determined to be 3 unfounded.</p> <p>4 Q. And do you know if her history 5 of progressive counselings are performance 6 related?</p> <p>7 A. They're both performance and 8 attendance.</p> <p>9 Q. Okay. And was there any other 10 employee who filed an internal complaint 11 against you?</p> <p>12 A. Not that I'm aware of, no.</p> <p>13 Q. Do you recall an employee named 14 Cortland Stat (phonetic)?</p> <p>15 A. Yes.</p> <p>16 Q. Do you recall whether he filed a 17 complaint against you?</p> <p>18 A. Yes. I do believe he did. He's 19 another person who had a long history of 20 counseling. I was not his direct manager, 21 and I believe that it was also related to 22 a counseling.</p> <p>23 Q. Have you ever been issued a 24 progressive counseling while at Crothall?</p> <p>25 A. No, I have not.</p>	Page 23	<p>1 M. ROCHE</p> <p>2 assessments of his performance?</p> <p>3 MR. CLARK: Objection to form.</p> <p>4 You can answer.</p> <p>5 A. Multiple e-mails that made it 6 clear that he was not meeting 7 expectations.</p> <p>8 Q. I missed the first part of that. 9 Did you say "in multiple e-mails"?</p> <p>10 A. Yes. In multiple e-mails, I 11 made clear to him that he was not meeting 12 expectations.</p> <p>13 Q. And were all of the e-mails that 14 you're referring to produced to us during 15 the discovery period?</p> <p>16 A. Yes.</p> <p>17 Q. Are there any other places where 18 you documented your assessment of his 19 performance?</p> <p>20 MR. CLARK: Objection to form.</p> <p>21 You can answer.</p> <p>22 A. Documented? Maybe not. We used 23 to have weekly one-on-one meetings where 24 we reviewed his performance, we reviewed 25 the expectations, and we reviewed what</p>	Page 25

<p>1 M. ROCHE 2 needed to be completed. 3 There were times where I took 4 notes on those documents, but they were 5 certainly not all inclusive of everything 6 we discussed and probably did not document 7 the fact that he was not meeting -- it was 8 mostly a verbal communication at that 9 point. 10 Q. When you say "verbal," you mean 11 oral? 12 A. Correct. 13 Q. Do you recall if you ever wrote 14 notes on -- on your -- or wrote notes 15 during those weekly one-on-ones that did 16 refer to Joe's failure to perform? 17 A. I don't recall. I do recall 18 writing notes about having to extend 19 deadlines. I don't recall about if it was 20 specifically related to his performance. 21 Q. And were those notes about 22 having to extend deadlines produced to us? 23 A. (Inaudible.) 24 THE COURT REPORTER: Can you 25 repeat your answer, sir? It kind of</p>	Page 26	<p>1 M. ROCHE 2 of Joe and his failure to do things or 3 were they extended because of failures of 4 other people within Fire Safety or 5 elsewhere? 6 MR. CLARK: Objection to form. 7 You can answer. 8 A. I think there's cases of both. 9 Q. And I know we'll get to this 10 later, but I believe Joe was counseled 11 regarding your belief that he wasn't 12 meeting deadlines; is that correct? 13 A. That was one of a number of 14 things that he was counseled on. 15 Q. Were the other people who were 16 not meeting deadlines also counseled about 17 that? 18 A. That would have been Joe's 19 responsibility, assuming they were 20 within -- with -- assuming they were his 21 direct reports. 22 Q. And would you want him to 23 counsel them if they were not meeting 24 deadlines? 25 A. If their performance deemed a</p>	Page 28
<p>1 M. ROCHE 2 cut out. 3 A. Yes. 4 Q. And you said the notes weren't 5 specifically related to Joe's performance; 6 is that correct? 7 A. Yes. The notes were not full 8 sentences. They were not meant to be 9 turned over to anybody. They were for me 10 to notate what was going on at that time. 11 Q. And the need to extend 12 deadlines, were those related to Joe's 13 performance or someone else's performance? 14 MR. CLARK: Objection to form. 15 You can answer. 16 A. Everything we discussed in that 17 meeting was related to Joe's performance. 18 Q. So you did not discuss the 19 performance of any other individuals 20 during your weekly one-on-one meetings? 21 A. If they were within Fire Safety, 22 yes. We discussed the entire department, 23 so there were times where other people may 24 have been discussed. 25 Q. Were deadlines extended because</p>	Page 27	<p>1 M. ROCHE 2 counseling, then as a manager, he should 3 have counseled them. 4 Q. And if Joe wanted to do that, 5 would you support that and stand by it? 6 MR. CLARK: Objection to form. 7 You can answer. 8 A. Yes. 9 Q. Did you document your perception 10 of Joe's performance in progressive 11 counselings? 12 A. The progressive counselings were 13 related to specific events and the failure 14 to complete them. 15 Q. And whose failure to complete 16 them? 17 A. In this case, Joe's failure to 18 complete them. 19 Q. And we will also talk about this 20 later, but I believe you issued Joe a 21 performance improvement plan; is that 22 correct? 23 A. Yes. 24 Q. And was the performance 25 improvement plan based on your assessment</p>	Page 29

<p>1 M. ROCHE 2 of Joe's performance? 3 A. The performance improvement plan 4 was based on my assessment of Joe's 5 individual performance, as well as the 6 Fire Safety performance and just overall 7 managerial skills. 8 Q. So you issued Joe Pasquarello a 9 PIP for both his performance and the 10 performance of the overall Fire Safety 11 Department; is that what you are saying? 12 A. I'm saying that Joe was in 13 charge of the Fire Safety Department and 14 is responsible to a degree of the actions 15 of his direct reports. 16 Q. So was any part of that 17 performance improvement plan connected 18 with the actions of his direct reports? 19 MR. CLARK: Objection to form. 20 You can answer. 21 A. Joe's performance improvement 22 plan was given to him and it was intended 23 for him to respond and be responsible for 24 the items on that list. If he deemed it 25 appropriate to have his direct reports</p>	Page 30	<p>1 M. ROCHE 2 A. There was a lot of transition 3 during that period. I'm not sure if I 4 can -- I don't know if he did or did not. 5 He had -- prior to that, he did, and some 6 of the people were transferred out. 7 Q. Okay. So would you say that 8 between the progressive counselings that 9 were issued to him by you, the performance 10 improvement plan, your annual review of 11 his performance, and your conversations 12 with him in your weekly one-on-one 13 meetings, that that is the body of 14 documentation for your assessment of his 15 performance? 16 MR. CLARK: Objection to form. 17 A. I think it excludes a lot of 18 verbal communication that occurred in that 19 time frame. But in terms of 20 documentation, that, as well as e-mails 21 and everything that we provided, would 22 provide a -- a good overview of his 23 performance. 24 Q. Okay. So in terms of written 25 documentation, you have provided all of</p>	Page 32
<p>1 M. ROCHE 2 complete those tasks, then I -- I think 3 he's putting -- that was his decision, but 4 he was also responsible for ensuring that 5 they did get completed as required by the 6 improvement plan. 7 Q. I'm not sure I understand what 8 you're saying. Just -- I'll tell you what 9 I've understood; that he was issued a 10 performance improvement plan and it was 11 based on your assessment of his individual 12 performance and the overall performance of 13 the Fire Safety Department; is that 14 correct? 15 A. What I'm saying is that the 16 improvement plan was given to him with 17 actions that I expected him to complete. 18 If he took the -- if he made a decision to 19 have direct reports complete them and, 20 therefore, they did not get complete, 21 that's still a failure of him to complete 22 those actions. 23 Q. At the time you issued him the 24 performance improvement plan, did he have 25 any direct reports?</p>	Page 31	<p>1 M. ROCHE 2 that that reflects Joe's performance while 3 at Crothall? 4 A. We have provided everything that 5 has been requested. 6 Q. Is there anything we -- well, we 7 requested everything related to his 8 performance, so is there anything -- 9 strike that. 10 Is there anything related to his 11 performance that has not been produced? 12 A. Not that I'm aware of. 13 MS. SELIGER: I'd like to -- 14 Shawn, did you receive the exhibits 15 from me in multiple e-mails? 16 MR. CLARK: I did. 17 MS. SELIGER: Okay. Is it 18 possible to e-mail them to Mr. Roche? 19 So I'm going to share them on my 20 screen, but like -- like we did in 21 previous depositions, I think it's 22 helpful when the deponent has them in 23 front of him. If not, it's okay. 24 MR. CLARK: I think it's 25 possible we may have done it. Zack,</p>	Page 33

<p>1 M. ROCHE 2 were you able to forward all those 3 e-mails we got this morning? 4 MR. SHARPE: Yeah. I e-mailed 5 them to you, Mike. 6 MR. CLARK: Okay. 7 Q. So Mr. Roche, I'm going to ask 8 you. I know you probably received a 9 barrage of e-mails with these exhibits, 10 but each -- each file should be labeled 11 saying "Exhibit" and then a number. 12 The -- the first one I'd like 13 you to look at is called Exhibit 1, and it 14 is the complaint filed in this case, and I 15 am going to attempt to share it on my 16 screen as well. 17 [The document was hereby marked 18 as Plaintiff's Exhibit 1 for 19 identification, as of this date.] 20 (Ms. Seliger starts Screen Share 21 function.) 22 Q. Are you able to see my screen? 23 A. Yes. 24 Q. For some reason, I cannot see my 25 screen. Are you able to see the -- the</p>	Page 34	<p>1 M. ROCHE 2 or -- or after he left? 3 A. I don't remember. I don't think 4 it was while he was employed. 5 Q. Did you discuss it with anyone 6 other than your attorney and potentially 7 your spouse? 8 A. (No verbal response given.) 9 Q. Was that -- I didn't hear you. 10 A. Sorry. No. 11 Q. Were you involved in gathering 12 documents and other information as part of 13 the discovery process in this lawsuit? 14 A. Yes. 15 Q. What did you do to search for 16 documents and information responsive to 17 Plaintiff's discovery requests? 18 A. I looked through e-mail on my 19 computer and through my files. Also ran 20 reports related to salaries. Some of the 21 data was provided by others. 22 Q. Did you work with anyone to 23 conduct searches for documents and 24 e-mails? 25 A. Yes.</p>	Page 36
<p>1 M. ROCHE 2 Exhibit 1 on your own screen, the one that 3 was e-mailed to you? 4 A. Yes. 5 (Ms. Seliger stops Screen Share 6 function.) 7 Q. Okay. So I am going to stop 8 share because my screen turns blank when I 9 share the screen. Have you seen this 10 document before, the -- Exhibit 1? 11 A. Yes. 12 Q. Have you read it? 13 A. It's been quite some time, but I 14 have read it at one point. 15 Q. When was the first time you read 16 the complaint? 17 A. Shortly after it was issued. I 18 don't know exactly. 19 Q. Do you remember if it was -- 20 when you say "issued," do you mean sent to 21 you or provided to you? 22 A. It was provided to my company 23 and then provided to me. 24 Q. Do you remember if that was 25 while Joe Pasquarello was still employed</p>	Page 35	<p>1 M. ROCHE 2 Q. Who did you work with? 3 A. To put together the information, 4 I didn't have access to all of it. Some 5 of it came from Chris Hariegel. Some of 6 it came from Mount Sinai Legal. 7 Q. Did you request that anyone else 8 search for documents and information 9 responsive to Plaintiff's discovery 10 requests? 11 A. I requested Chris Hariegel. He 12 was mentioned and he was on many of the 13 e-mails. 14 Q. Did you have any documents 15 created in response to the discovery 16 requests? 17 MR. CLARK: Objection to form. 18 Hang on a second, Mike, on that. Are 19 you asking if he's created work 20 product in this litigation? 21 MS. SELIGER: No. I'm asking if 22 he created any new documents and then 23 submitted them to us as part of 24 discovery. 25 MR. CLARK: All right. So let</p>	Page 37

<p>1 M. ROCHE 2 me give my witness an instruction. 3 You can answer as to any documents 4 that you may have created and turned 5 over in discovery. You should not 6 answer as to any documents you created 7 for your lawyers in this case. 8 A. Could you repeat the question, 9 please? 10 Q. Sure. 11 MS. SELIGER: Melissa, do you 12 mind reading back my question? 13 (Requested testimony was read.) 14 Q. And I just want to add, as your 15 lawyer instructed, I'm not asking about 16 anything you created or used to 17 communicate with your attorneys. 18 A. Well, everything that we created 19 was sent through our attorneys, so I'm not 20 quite sure how to answer this question. 21 Q. Sure. Maybe an example will 22 help. Can you look at your e-mails and 23 open Exhibit 3? 24 [The document was hereby marked 25 as Plaintiff's Exhibit 3 for</p>	Page 38	<p>1 M. ROCHE 2 to job titles and dates. 3 Q. Is it showing when jobs were -- 4 when job openings were posted and -- and 5 filled and the names of the people who 6 left or filled those positions? 7 A. Yes. 8 THE COURT REPORTER: I'm sorry, 9 sir. Was that -- can you repeat that? 10 A. Yes. 11 THE COURT REPORTER: Thank you. 12 Q. And on the first page, it looks 13 like those are positions that, I guess at 14 the time this was created, those were 15 positions that were posted but still open? 16 A. Sorry. One second. Let me just 17 get back there. Yes. The first page is 18 showing open positions, as well as 19 potential candidates and dates. 20 Q. And on -- sorry to do this to 21 you, but on the second page, are you able 22 to tell what time period is covered by 23 this document? 24 A. No. I'm able to tell what's on 25 this list. I see that it starts in</p>	Page 40
<p>1 M. ROCHE 2 identification, as of this date.] 3 A. Yes. 4 Q. Have you seen this document 5 before? 6 A. Yes. 7 Q. This document was turned over to 8 us by Defendants. Can you tell me what 9 this is? 10 A. Yes. This is an ongoing 11 document as provided to management every 12 week to review open positions and 13 recruiting. 14 Q. Okay. And on the second page, I 15 know it's very small. Are you able to see 16 what's on the second page? 17 A. (No verbal response given.) 18 Q. Are you able to see the 19 information on the second page? 20 A. Yes. 21 Q. And what -- what is that data 22 describing? 23 MR. CLARK: Objection to form. 24 You can answer. 25 A. It's describing details related</p>	Page 39	<p>1 M. ROCHE 2 2016 -- I lost it again. Hold on. And it 3 looks like it goes through 2022. I can't 4 verify that it's inclusive of all 5 positions that were posted, though. I 6 don't create this document. 7 Q. Who creates this document? 8 A. This document is created by 9 Dorothy Perez. 10 Q. And do you know what -- where 11 she pulls the information to create this 12 document? 13 A. I know that it's various 14 sources, but I do not know specifically. 15 Q. And why does she create this 16 document? Is this -- you said it's an 17 ongoing document. Does she continuously 18 update it? 19 MR. CLARK: Objection to form. 20 A. Yes. 21 Q. Yes, she updates it 22 continuously? 23 A. Yes. 24 Q. And if a job is listed and 25 filled, would it generally be a part of</p>	Page 41

<p>1 M. ROCHE 2 this document? 3 A. Generally, yes. 4 Q. And is there any reason why a 5 job would -- that was posted and filled, 6 is there any reason why a job that was 7 posted and filled would not appear on this 8 document? 9 A. I'm not sure. I would have to 10 speak with her, but I don't think the 11 intention would be to leave anything out. 12 Q. Do you know who she provides 13 this document to? 14 MR. CLARK: Objection to form. 15 A. She sends this document on a 16 weekly basis to all the engineering 17 directors. 18 Q. And who are the engineering 19 directors? 20 A. All the different hospital 21 sites, so whoever manages each of the 22 seven hospitals. 23 Q. Are you one of those directors? 24 A. (Inaudible.) 25 THE COURT REPORTER: Can you</p>	Page 42	<p>1 M. ROCHE 2 externally? 3 A. Yes. 4 Q. Okay. You mentioned a -- strike 5 that. 6 Just a little earlier, we were 7 talking about a training program. I think 8 you said it used to be off site and it has 9 not continued since COVID. What was the 10 name of that training program again? 11 A. That was called Foundations. 12 Q. When do new employees 13 participate in that training? 14 A. Generally within the first two 15 years. 16 Q. So it's possible that a new 17 employee would not get that training for 18 two years? 19 A. Certainly. Yes. 20 Q. Do you know of anyone who 21 participated in that training later than 22 one year after their hire with Crothall? 23 A. Yes. 24 Q. Who is that? 25 A. Wayne Thomas, Bob Murphy, Omelfi</p>
<p>1 M. ROCHE 2 repeat that, sir? Sorry. 3 A. Sorry. Yes, I am one of those 4 directors. 5 Q. Does Crothall keep a record of 6 all job requisitions and job postings? 7 A. Yes. 8 Q. Is this that record or are there 9 other records? 10 A. No. There are other records. 11 Q. What would those other records 12 be? 13 A. We have a software system that 14 tracks it. It's called People Hub. This 15 is only notes related to each of those 16 positions. 17 Q. So if, somehow, information did 18 not appear on this, it would certainly 19 appear on People Hub? 20 MR. CLARK: Objection to form. 21 You can answer. 22 A. All the information should 23 always be on People Hub. 24 Q. Does People Hub record job 25 openings that are posted internally and</p>	Page 43	<p>1 M. ROCHE 2 Garcia. 3 Q. And -- 4 A. There's a number of people. 5 Q. Sorry. And why did they not 6 participate earlier, as far as you know? 7 A. Various reasons. 8 Q. Who is responsible for signing a 9 new employee up for that training? 10 A. Generally, it's the manager. 11 Q. The employees' manager? 12 A. (Inaudible.) 13 THE COURT REPORTER: Can you 14 repeat that, sir? 15 A. Yes. 16 Q. Did Joe Pasquarello ever 17 participate in the Foundations training? 18 A. So I believe I already mentioned 19 that the Foundation [sic] training was put 20 on hold due to COVID. So Joe was here for 21 the -- most of the duration of his 22 employment here was during the COVID. 23 Q. Do you recall when Joe 24 Pasquarello was hired? What approximate 25 date?</p>

<p>1 M. ROCHE</p> <p>2 A. I believe it was October of</p> <p>3 20 -- of 2020.</p> <p>4 Q. All right.</p> <p>5 A. I'm sorry. No. No. I think it</p> <p>6 was '19. I don't recall the specifics.</p> <p>7 Q. Do you think it was in October</p> <p>8 of 2019 or October of 2020?</p> <p>9 A. If you give me a moment, I will</p> <p>10 look at Exhibit 3 and I should be able to</p> <p>11 tell you. (Perusing.) It appears to be</p> <p>12 October 14, 2019.</p> <p>13 Q. So and I believe COVID started</p> <p>14 around -- was it March of 2020? Would you</p> <p>15 agree that's approximately accurate?</p> <p>16 MR. CLARK: Objection to form.</p> <p>17 Q. Or --</p> <p>18 A. I believe we had -- so we</p> <p>19 actually had the first case in New York</p> <p>20 City, and I believe it was earlier than</p> <p>21 that.</p> <p>22 Q. About when do you think that</p> <p>23 COVID as a pandemic started in New York?</p> <p>24 MR. CLARK: Objection to form.</p> <p>25 A. Early 2020.</p>	Page 46	<p>1 M. ROCHE</p> <p>2 the binders and all the regulatory</p> <p>3 documents with him. We went over our</p> <p>4 audit program and all his</p> <p>5 responsibilities.</p> <p>6 He had an issue absorbing the</p> <p>7 training. He would repeatedly ask for</p> <p>8 additional training, but be unable to</p> <p>9 specify the specifics of what he did not</p> <p>10 understand and what he needed training on.</p> <p>11 Q. You said that "we" trained him</p> <p>12 on various things. Who -- who actually</p> <p>13 provided training to Joe?</p> <p>14 A. It's a number of people. I</p> <p>15 myself provided training on multiple</p> <p>16 occasions to Joe. Matthew Bond provided</p> <p>17 training on multiple occasions to Joe.</p> <p>18 Robert Ross provided training on multiple</p> <p>19 occasions to Joe. Robert Denver provided</p> <p>20 training on multiple occasions to Joe.</p> <p>21 Bob Shaffer provided training on multiple</p> <p>22 occasions to Joe. Chris Hariiegel provided</p> <p>23 training on multiple occasions to Joe.</p> <p>24 I'm sure there's a number of others, but</p> <p>25 those are right off the top of my head.</p>	Page 48
<p>1 M. ROCHE</p> <p>2 Q. Okay. And were you his</p> <p>3 manager -- were you Joe's manager when he</p> <p>4 started at Crothall?</p> <p>5 A. Yes.</p> <p>6 Q. And did you sign him up for the</p> <p>7 Foundations program when he started?</p> <p>8 A. As I said earlier, most</p> <p>9 employees go within the first two years,</p> <p>10 so I did not sign him up in the first four</p> <p>11 months, no.</p> <p>12 Q. Did he ask to be signed up for</p> <p>13 the training?</p> <p>14 A. No.</p> <p>15 Q. Did he ever ask you for Crothall</p> <p>16 training?</p> <p>17 A. (Inaudible.)</p> <p>18 Q. Sorry. I couldn't hear.</p> <p>19 A. Yes.</p> <p>20 Q. So what training did he ask you</p> <p>21 for?</p> <p>22 A. We trained him on all our</p> <p>23 software systems multiple times, so that</p> <p>24 includes TeamDoc, TeamOps. We trained him</p> <p>25 on the program requirements. We went over</p>	Page 47	<p>1 M. ROCHE</p> <p>2 Q. And when you say they provided</p> <p>3 training, was this formal training or are</p> <p>4 you talking about people answering</p> <p>5 questions?</p> <p>6 MR. CLARK: Objection to form.</p> <p>7 You can answer.</p> <p>8 A. Both formal and informal.</p> <p>9 Q. So of all the names that you</p> <p>10 just mentioned, how many of them provided</p> <p>11 formal training to Joe?</p> <p>12 MR. CLARK: Objection to form.</p> <p>13 A. Robert Ross and Matt Bond.</p> <p>14 Robert Ross is the person who generally</p> <p>15 gives the training for TeamOps at the</p> <p>16 Foundations training, and Matt Bond is</p> <p>17 probably the next person most closely</p> <p>18 familiar with that and has given trainings</p> <p>19 to other employees in the past.</p> <p>20 Q. When did the first person, I</p> <p>21 think -- did you say his last name is</p> <p>22 Ross?</p> <p>23 A. Ross. Robert Ross.</p> <p>24 Q. When did Robert Ross provide Joe</p> <p>25 with training?</p>	Page 49

<p>1 M. ROCHE</p> <p>2 A. I don't know the exact date that</p> <p>3 he was here. He is not local to New York,</p> <p>4 but he does both remote trainings through</p> <p>5 Zoom and in-person trainings.</p> <p>6 Q. And would he have provided that</p> <p>7 training within the first four months</p> <p>8 to -- yeah. Within the first four months</p> <p>9 of Joe's arrival at Crothall?</p> <p>10 A. I'm not sure of that answer.</p> <p>11 Q. But you know that he did provide</p> <p>12 Joe with training?</p> <p>13 A. Yes.</p> <p>14 Q. Do you know any specific time</p> <p>15 when he did that; if it was 2019, 2020, or</p> <p>16 2021?</p> <p>17 MR. CLARK: Objection to form.</p> <p>18 You can answer.</p> <p>19 A. Again, I don't know the specific</p> <p>20 date. I would assume it was earlier in</p> <p>21 his tenure.</p> <p>22 Q. Why would you assume that?</p> <p>23 A. That's generally how we train.</p> <p>24 Q. So in general, when a new</p> <p>25 employee comes, you provide them with</p>	Page 50	Page 52
<p>1 M. ROCHE</p> <p>2 training early on?</p> <p>3 A. To the best of our ability, yes.</p> <p>4 Q. Was there any reason Joe could</p> <p>5 not participate in the Foundations</p> <p>6 training before COVID happened?</p> <p>7 A. Yes.</p> <p>8 Q. What was that reason?</p> <p>9 A. That type of training only</p> <p>10 occurs maybe once every six months. It's</p> <p>11 off-site and it's scheduled well in</p> <p>12 advance, so there's not always</p> <p>13 opportunities and spots for that training.</p> <p>14 So it's very likely that he would not have</p> <p>15 been able to complete that training in the</p> <p>16 first four months of his employment.</p> <p>17 Q. Do you know whether there was a</p> <p>18 Foundations training between October 2019</p> <p>19 and March of 2020?</p> <p>20 A. I do not schedule them, so I do</p> <p>21 not personally know.</p> <p>22 Q. Who schedules them?</p> <p>23 A. The Training Department or out</p> <p>24 of Crothall Corporate.</p> <p>25 Q. Okay. And do you know -- I'm</p>	Page 51	Page 53

<p>1 M. ROCHE 2 Sinai Hospital or does he work with -- 3 does he work with Mount Sinai Queens or 4 any of the other Mount Sinai systems? 5 A. Yes, he does. 6 Q. Which Mount Sinai -- I'm not 7 sure how to refer to them. Which other 8 Mount Sinai campuses does he work with? 9 A. All seven of them. 10 Q. Okay. So did you say he only 11 works two days a week? 12 A. Yes. 13 Q. And generally, he works remotely 14 on those two days; is that correct? 15 A. No. I would not say typically. 16 It's just that he has the ability to. If 17 -- if there's an issue that he's made 18 aware of that requires his presence, he 19 comes to the city as needed. 20 Q. Okay. And how often would you 21 inter -- how often do you interact with 22 him by phone? 23 A. Frequently. 24 Q. What do you mean by 25 "frequently"? Like per week, how often</p>	Page 54	<p>1 M. ROCHE 2 A. I said yes. 3 Q. Can you describe them for me? 4 A. He oversees all of the Fire 5 Safety components across the Mount Sinai 6 Health System. 7 Q. In -- in what ways does he 8 oversee Fire Safety? 9 A. He reviews all of the 10 documentation and provides guidance to the 11 managers and assistant directors as 12 needed. 13 Q. When you say "documentation," 14 are you referring to TeamDocs? 15 A. TeamDocs is part of it. What 16 I'm really referring to is -- is vendor 17 testing reports, repair reports, anything 18 that would be shown to joint -- the Joint 19 Commission. 20 Q. What is shown to the Joint 21 Commission? 22 MR. CLARK: Objection to form. 23 You can answer. 24 A. Vendor testing reports and 25 repair reports and whatever other</p>	Page 56
<p>1 M. ROCHE 2 would you speak -- how often do you speak 3 to him by phone? 4 MR. CLARK: Objection to form. 5 You can answer. 6 A. I speak to him by phone a 7 minimum of once a week. He's on a weekly 8 call that we have every single week, and 9 as needed when issues come up where I need 10 some feedback or guidance. 11 Q. Okay. What is that weekly 12 meeting that you have with him? 13 A. It's a call with all the Mount 14 Sinai directors. 15 Q. Do you know who reports directly 16 to him? 17 A. Nobody reports directly to him. 18 Q. Okay. And who does he report 19 to? 20 A. He reports to Chris Hariegel. 21 Q. And do you know what are his 22 responsibilities? 23 A. (Inaudible.) 24 THE COURT REPORTER: Sorry, sir. 25 Can you repeat that?</p>	Page 55	<p>1 M. ROCHE 2 information they request. 3 Q. Is there, I guess, a set body of 4 information that the Joint Commission 5 requests or do they make specific 6 requests? 7 A. Specified code, and within that 8 code, there's quite a number of different 9 requirements that outline the testing 10 frequency, the testing functions and 11 tasks, and they will review, upon their 12 request, any of those reports. 13 Q. So just so I understand, Bob 14 Shaffer focuses on the fire safety aspect 15 of all of that documentation? 16 MR. CLARK: Objection to form. 17 You can answer. 18 A. Yes. 19 Q. Aside from reviewing vendor 20 reports and TeamDocs, does he review 21 TeamOps? 22 A. He ensures that the preventative 23 maintenance tasks get closed out on the 24 required frequency when -- when it's 25 information that will be provided to Joint</p>	Page 57

<p>1 M. ROCHE 2 Commission. 3 Q. Okay. So maybe now is a good 4 time for me to ask. Can you just explain 5 the difference between TeamOps and 6 TeamDocs? 7 A. Sure. In a simplified way, 8 TeamOps is the program that generates 9 certain work requests, and TeamDoc is a 10 program where vendor testing reports as 11 well as internal testing reports and 12 repairs are hosted. 13 Q. So just to make sure I 14 understand, TeamOps is a program that 15 keeps track of work that needs to get 16 done? No. Strike that. 17 I'm sorry. Would you mind 18 explaining in a little more detail what 19 TeamOps does? 20 A. TeamOps is a program where you 21 can create new work tasks, where different 22 end users within the institution can 23 request different types of work. There's 24 a work order number associated with 25 everything that's requested and it's a way</p>	Page 58	<p>1 M. ROCHE 2 maintenance is due. Does it also show 3 what needs to be done for each 4 preventative maintenance that's due? 5 A. So at the beginning of the 6 month, it will issue -- or sometimes the 7 last day of the previous month. But 8 generally, at the beginning of the month, 9 it will issue the work orders and 10 preventative maintenance tasks that it 11 knows are upcoming. But the information 12 for those tasks sometimes needs to be 13 modified and the frequency needs to be -- 14 needs to be changed dependent on when the 15 last task was performed. 16 Q. And does that program assign the 17 work to various departments or 18 individuals? 19 A. Sometimes it does auto assign 20 and sometimes it just assigns it to a 21 shop, such as Plumbing or Fire Safety, et 22 cetera, and it's the manager's 23 responsibility to ensure that it gets 24 completed and assigned appropriately. 25 Q. So how does it know where to</p>	Page 60
<p>1 M. ROCHE 2 to comment on those work orders at 3 completion. 4 Another aspect of it is it 5 generates all of our required preventative 6 maintenance tasks. 7 Q. So if a preventative maintenance 8 task is upcoming, it will show whoever is 9 looking that it is upcoming? 10 A. Yes. Assuming -- so the manager 11 has some responsibility there. The 12 manager's responsibility is to ensure that 13 that work ticket is generated at the 14 correct frequency based upon the required 15 testing. 16 Q. So if TeamOps shows that a 17 preventative measure or preventative 18 maintenance is required soon, the manager 19 has to take action to create a work order? 20 MR. CLARK: Objection to form. 21 A. Could you repeat that question? 22 Q. Sure. I'm just trying to 23 understand. The preventative maintenance 24 aspect of TeamOps, I believe you said it 25 keeps track of when preventative</p>	Page 59	<p>1 M. ROCHE 2 assign various tasks? 3 A. Well, every single asset that we 4 have is barcoded throughout the 5 institution. We have thousands and 6 thousands of assets. Every single one of 7 them is barcoded with a specific number. 8 That number is inputted into a database, 9 which is TeamOps, and TeamOps generates 10 those based upon the information plugged 11 into it when capturing that asset. 12 So maybe a piece of equipment 13 needs annual PMs, maybe it needs 14 quarterly, maybe it needs daily. The 15 program is going to submit -- is going to 16 issue work tickets based on the needs of 17 the equipment. 18 Q. So it's linked to a particular 19 asset? 20 A. Correct. 21 Q. And when you say "asset," is 22 that parts of the facility? 23 A. Yes. 24 Q. It's not a person? 25 A. Correct.</p>	Page 61

<p>1 M. ROCHE 2 Q. Okay. And what part of that, 3 going back to Bob Shaffer's role, what 4 part of that is -- what part of TeamOps is 5 presented to the Joint Commission? 6 MR. CLARK: Objection to form. 7 You can answer. 8 A. We present everything that's 9 requested, so it depends on the surveyor 10 that you get. 11 Q. Does the Joint Commission 12 request records that preventative 13 maintenance has been conducted? 14 A. Sometimes they may. There are 15 certain -- there's no standard -- there 16 are standards for what's required to be 17 performed, but there's no standard across 18 what they can -- they can request anything 19 within that area. 20 Q. So there are -- there are 21 standards that the facility has to meet, 22 but you don't know necessarily what your 23 particular Joint Commission auditor is 24 going to specifically scrutinize; is that 25 what you're saying?</p>	Page 62	<p>1 M. ROCHE 2 is it correct to say that that is all the 3 data showing work performed, whether it's 4 in -- whether the work was done in house 5 or through vendors? 6 MR. CLARK: Objection to form. 7 A. Sorry. Could you just repeat -- 8 rephrase that? 9 Q. So just so I understand, 10 TeamDocs houses documentation of work 11 performed in house by the hospital's 12 Facilities team and also by vendors? 13 A. Yes, that's correct. 14 Q. Okay. What -- what kind of -- 15 what kind of things in -- in the Joint 16 Commission survey would create a problem 17 or would be noted as problematic or -- or 18 deficient? 19 MR. CLARK: Objection to form. 20 You can answer. 21 Q. Let -- actually, let me 22 rephrase. During the Joint Commission 23 audit, with respect to the part of the 24 audit relating to facilities, what types 25 of things are problematic or -- or</p>	Page 64
<p>1 M. ROCHE 2 A. That's correct. 3 Q. Okay. But you have to prepare 4 everything, I would imagine? 5 A. The expectation is that 6 everything is a hundred percent compliant. 7 Q. And when a Joint Commission 8 auditor, if that's what they're called, a 9 Joint Commission surveyor requests to 10 inspect something, are they -- are they 11 inspecting your records in TeamOps? 12 A. They may. 13 Q. What else would they inspect? 14 A. They -- they would likely look 15 at TeamDocs. 16 Q. And TeamDocs. Remind me what 17 that platform does? 18 A. Sure. So, again, TeamDocs is a 19 hosting platform that -- that hosts 20 documentation from vendor reports, as well 21 as whatever closed work -- closed work 22 orders from TeamOps or any other related 23 work task that the manager chooses to 24 upload to that database. 25 Q. So that is the -- TeamDocs is --</p>	Page 63	<p>1 M. ROCHE 2 would -- would be considered negative 3 for -- for the hospital's performance in 4 the commission survey? 5 MR. CLARK: Objection to form. 6 You can answer. 7 A. So any deficiency which did not 8 have an appropriate follow up or an 9 appropriate method of tracking that follow 10 up would be considered problematic. 11 Q. Can you give me an example just 12 so I understand what -- what that means? 13 A. Well, if we had repairs 14 scheduled on fire doors and there were a 15 number of deficiencies noted, we would 16 have to create a work order for each one 17 of those deficiencies in order to track 18 the process to completion. It would be a 19 problem if we did not have a means of 20 tracking those deficiencies within our 21 TeamOps system. 22 Q. So a deficiency like something 23 -- like a hinge broken on a door, is that 24 an example of a deficiency in a door? 25 A. Yep. Or a closer. Something</p>	Page 65

<p>1 M. ROCHE 2 that -- that -- that renders it not 3 operable in the sense that it's been 4 designed to operate. 5 Q. So using this -- using TeamDocs, 6 if -- in this example, if there was a 7 broken hinge on the door, the deficiency 8 would be noted, the broken hinge; is that 9 correct? 10 A. So in this particular case, 11 there's a vendor that reviews and inspects 12 this. They, by the end of the day within 13 that shift, they're responsible for 14 reporting it to a manager. That manager 15 is then responsible for ensuring that that 16 gets documented within TeamOps and that an 17 appropriate follow up is conducted. 18 Q. So an appropriate follow up 19 would be, I guess, assessing what needed 20 to happen to fix the broken door and then 21 assigning it or creating a work order; is 22 that correct? 23 MR. CLARK: Objection to form. 24 A. That's part of -- that's part of 25 it. Part of it may be staff training</p>	Page 66	<p>1 M. ROCHE 2 A. If it -- 3 MR. CLARK: Objection to form. 4 Go ahead. 5 A. If that report was received same 6 day, then that would be a part of it. The 7 manager or -- or assistant director in 8 this case would still need to create a 9 work order describing that. 10 There needs to be basically a 11 time stamped document connecting from the 12 moment it was found or reported, what the 13 repair was, all the way up until it's been 14 closed out. So if there's a lapse of time 15 and you don't have documentation showing 16 -- proving the state of that asset during 17 that amount of time, that would be an 18 issue. 19 Q. And what are the different ways 20 that -- that you -- that -- that a Fire 21 Safety Department documents that? 22 MR. CLARK: Objection to form. 23 A. The only way to document it is 24 in TeamOps. 25 Q. And you can upload documents to</p>	Page 68
<p>1 M. ROCHE 2 because you have an inoperable fire door 3 and there might be safety hazards related 4 to that. Part of it might be calling in a 5 vendor, getting a price to repair it, 6 getting a PO, getting them on-site, 7 scheduling it. You know, it's all part of 8 the same process. 9 Q. Is a PO a purchase order? 10 A. Yes. 11 Q. And then once that broken hinge 12 in this example is fixed, the hospital has 13 to document that it was fixed; is that 14 correct? 15 A. In this case, yes. The fire 16 safety manager should be -- Fire Safety 17 Department should be documenting the 18 repair and ensuring that that work order 19 was closed. And because it's a life 20 safety deficiency, they would then upload 21 proof of that and the work order to 22 TeamDocs. 23 Q. And if you have a vendor working 24 on the doors, would the vendor's reports 25 about that work be part of the evidence?</p>	Page 67	<p>1 M. ROCHE 2 TeamOps to show the -- that the work was 3 done or was ordered? 4 A. You can, but usually TeamOps is 5 the platform that would -- which is where 6 you would upload that documentation. 7 Q. Do you know who -- sorry. I'm 8 going -- I'm going to get us out of 9 documentation for a while, clear my head. 10 Do you know who John Barton is? 11 A. Yes. 12 Q. I recently learned there are two 13 John Bartons. I'm speaking about John 14 Barton Senior right now. Do you know who 15 I'm talking about? 16 A. Yes. 17 Q. Okay. What is his current 18 title, if you know? 19 A. He is currently senior director 20 of plant and energy. 21 Q. And do you know how long he's 22 held that title? 23 A. It's approximately a year. 24 Prior to that, he was -- he was only 25 responsible for this site, and his title</p>	Page 69

<p>1 M. ROCHE 2 was director of engineering. I'm sorry. 3 Director of -- director of plant and 4 energy. 5 Q. When you say "this site," are 6 you referring to the Mount Sinai Hospital? 7 A. Yes. 8 Q. And -- and now his purview has 9 expanded? 10 A. Yes. 11 Q. What -- what does he now 12 oversee? 13 A. So he oversees the plants for 14 each of the facilities within the health 15 system. So all seven hospitals, if they 16 have a boiler plant or a chiller plant, he 17 oversees that, as well as HVAC and Plant 18 operations at this site, Mount Sinai 19 Hospital. 20 Q. Okay. So I'm going to focus 21 only on Mount Sinai Hospital. When you 22 say "plant," I -- other than things that 23 grow from the ground, I don't really 24 understand what that means. Can you just 25 tell me what -- is that a facility?</p>	Page 70	<p>1 M. ROCHE 2 A. Yes. He oversees heating and 3 cooling and energy management programs. 4 So within energy management, there's some 5 HVAC, which is, again, with heating and 6 cooling as well as medical gas 7 distribution systems, plumbing systems, 8 any real utility. 9 Q. And does he have people who 10 report to him who are technicians in all 11 of those areas? 12 A. Yes. So in all of those areas, 13 there are managers or supervisors who 14 report to him and then under them, there's 15 a union staff, which are the technicians. 16 Q. Got it. Do you know who the 17 managers are that report to him? 18 A. Yes. 19 Q. And this is just with respect to 20 Mount Sinai Hospital. Who are those 21 people? 22 A. Currently? 23 Q. If you remember the people who 24 reported to him during Mr. Pasquarello's 25 tenure?</p>	Page 72
<p>1 M. ROCHE 2 A. So we refer to a plant as, 3 really, a boiler plant or a chiller plant, 4 and it's the main area of a facility that 5 produces all of the hot water or all of 6 the cold water for -- for -- it basically 7 controls the heating and cooling 8 throughout the campus. 9 Q. Does it also control water 10 supply in the campus? 11 A. Generally, that would be 12 considered under the Plumbing Department, 13 although it does have some oversight of 14 that. 15 Q. Is Plumbing separate from the 16 Plant? 17 A. Yes. We have a separate 18 plumbing manager who is an assistant chief 19 engineer. 20 Q. So is there someone -- I'm 21 trying to understand what John Barton's 22 responsibilities are just with respect to 23 Mount Sinai Hospital. Is -- he's managing 24 all the heating and cooling systems; is 25 that accurate?</p>	Page 71	<p>1 M. ROCHE 2 A. Sure. So Ron Cordier, Felipe 3 Garcia, Kevin Anderson. There's -- 4 there's one or two more now, but I believe 5 not -- I don't think they were reporting 6 to him during Joe's tenure. 7 Q. And who are those people? 8 A. Ryan Nowicki now reports to him 9 and Craig Heaney reports to him. I'm 10 sorry. Ryan Heaney. We have two Heaney 11 brothers and Ryan Heaney is the one who 12 reports to John. 13 Q. Okay. And what was Ryan 14 Nowicki -- who was Ryan Nowicki reporting 15 to previous to reporting to John Barton? 16 A. Previously, he was reporting to 17 me. 18 Q. And what -- what was his title 19 when he was reporting to you? 20 A. He was the director of 21 engineering for the medical school. 22 Q. And what is his current title? 23 A. He's the director of plant. 24 Q. Okay. And what -- when he -- 25 when Joe Pasquarello was employed at</p>	Page 73

<p>1 M. ROCHE</p> <p>2 Crothall, what were Ryan Nowicki's</p> <p>3 responsibilities in the role he had at</p> <p>4 that time?</p> <p>5 A. He oversaw any issues related to</p> <p>6 impacts or problems within the medical</p> <p>7 school square footage. There's a -- they</p> <p>8 have various -- they operate out of</p> <p>9 various buildings on campus, and he would</p> <p>10 be responsible for communicating to school</p> <p>11 leadership, as well as, you know,</p> <p>12 expediting repairs in certain areas or</p> <p>13 getting involved with certain trades as</p> <p>14 needed.</p> <p>15 Q. Is the medical school part of</p> <p>16 the Mount Sinai Hospital campus?</p> <p>17 A. Yes.</p> <p>18 Q. So I'm just trying to</p> <p>19 understand. Was he in charge of all</p> <p>20 facilities that were part of the medical</p> <p>21 school?</p> <p>22 A. He was in charge of anything</p> <p>23 that would have any impact in the medical</p> <p>24 school.</p> <p>25 Q. It sounds like "impact" might be</p>	Page 74	<p>1 M. ROCHE</p> <p>2 gave, HVAC, he's not the HVAC manager.</p> <p>3 But he would be responsible for -- he</p> <p>4 would be responsible for ensuring that we</p> <p>5 can meet the expectations of the facility</p> <p>6 and that we properly communicate with the</p> <p>7 key stakeholders.</p> <p>8 Q. And then the technicians would</p> <p>9 do the actual work to address the impact;</p> <p>10 is that correct?</p> <p>11 A. At times, it's in-house</p> <p>12 technicians. At times, it's vendors. You</p> <p>13 know, at times, it's construction</p> <p>14 companies. It -- it -- it could be any</p> <p>15 number of things.</p> <p>16 Q. But --</p> <p>17 MR. CLARK: Leah, at a</p> <p>18 convenient time -- I'm sorry. At a</p> <p>19 convenient time, can we take a</p> <p>20 five-minute break?</p> <p>21 MS. SELIGER: Sure. I'll just</p> <p>22 finish this bit and then we can take a</p> <p>23 break.</p> <p>24 Q. So he didn't -- he didn't</p> <p>25 facilitate the work of an impact, but he</p>	Page 76
<p>1 M. ROCHE</p> <p>2 a more technical term than I'm thinking.</p> <p>3 What do you mean by "impact"?</p> <p>4 A. If there were any assets or</p> <p>5 equipment or if anything negatively</p> <p>6 impacted any users of school or any school</p> <p>7 space, he would be the primary person to</p> <p>8 get involved and resolve those issues.</p> <p>9 Q. Can you give me an example just</p> <p>10 to illustrate what you mean by that kind</p> <p>11 of impact?</p> <p>12 A. Sure. So if there was an air</p> <p>13 handler that failed, he would be involved</p> <p>14 with the communication of that,</p> <p>15 potentially involved with the repair, and</p> <p>16 expediting the process. But it -- it --</p> <p>17 it really was more than just HVAC. He</p> <p>18 would have oversight over any one of the</p> <p>19 trades, including Fire Safety in this</p> <p>20 case.</p> <p>21 Q. So when you say "oversight," he</p> <p>22 would have to coordinate the different</p> <p>23 trades to address a particular impact?</p> <p>24 A. He would not be directly</p> <p>25 coordinating because in the example I</p>	Page 75	<p>1 M. ROCHE</p> <p>2 would -- he would be in communication with</p> <p>3 the medical school to alert them about the</p> <p>4 impact?</p> <p>5 A. He may facilitate the work</p> <p>6 depending on the severity of the work. He</p> <p>7 may give direction to managers and</p> <p>8 assistant directors involved in that type</p> <p>9 of whatever it is, testing, repair.</p> <p>10 Anything that's -- that's providing any</p> <p>11 significant impact to the facilities of</p> <p>12 the medical school, he would have</p> <p>13 oversight of.</p> <p>14 Q. Okay.</p> <p>15 MS. SELIGER: I'm happy to take</p> <p>16 a break now, Shawn, if you want.</p> <p>17 MR. CLARK: Yeah. Please.</p> <p>18 THE WITNESS: Great.</p> <p>19 MS. SELIGER: Sure. It looks</p> <p>20 like it's almost 2:00. Do you want to</p> <p>21 come back at 2:05?</p> <p>22 MR. CLARK: I've got almost</p> <p>23 noon.</p> <p>24 MS. SELIGER: Oh. Sorry.</p> <p>25 MR. CLARK: Yeah. No, I know.</p>	Page 77

<p>1 M. ROCHE 2 You're in a different time zone. 3 MS. SELIGER: It's not almost 4 2:00 here. It's been almost two 5 hours. It's -- it's almost 9:30. 6 MR. CLARK: Yeah. So it's seven 7 minutes to. You want to do -- come 8 back at five minutes after? Is that 9 enough time? 10 MS. SELIGER: It's your call. 11 Yes, that's fine with me. 12 MR. CLARK: Great. Thank you. 13 MS. SELIGER: Sure. 14 (A recess was taken.) 15 Q. Mr. Roche, I want to take a look 16 now at Exhibit 2. 17 [The document was hereby marked 18 as Plaintiff's Exhibit 2 for 19 identification, as of this date.] 20 Q. This is -- Exhibit 2 comprises 21 of various org charts that were produced 22 by Crothall. The way they were presented, 23 it showed they were dated somewhere 24 between 2013 and 2021. 25 I just want to point out that</p>	Page 78	<p>1 M. ROCHE 2 portrayal of the Facilities staff at some 3 point in 2020 or 2021? 4 A. Yes. I think it's important to 5 note that this is only a snapshot in time 6 of whenever that was printed and there was 7 a lot of transition, but based on what 8 I've seen so far, it looks fairly 9 accurate. 10 Q. Okay. And then -- and then 11 there's the -- then there's a list of 12 names and titles that -- that were part of 13 that same spreadsheet. Or no. I'm sorry. 14 I don't know if it's part of the same 15 spreadsheet, but can you look at that list 16 and let me know if that is a 17 representation of the facility staff at -- 18 at any point in time while you have been 19 there? 20 MR. CLARK: Leah, so that I 21 know, we're looking at the third page 22 of the exhibit? 23 MS. SELIGER: Yes. And because 24 it was -- it was produced in its 25 native format, it doesn't have a Bates</p>	Page 80
<p>1 M. ROCHE 2 you'll see there's numerous pages to this 3 exhibit. The pages that are blank with a 4 big CH and a number, those are the Bates 5 stamped documents. That's not part of the 6 actual -- that's the Bates number. It's 7 not part of the actual data of the 8 documents. 9 I'd like to ask you to look 10 through those org charts and just let me 11 know when -- when you've had a chance to 12 take a look at them. 13 A. So you mean all 30 pages' worth, 14 right? 15 Q. Yeah. You don't have to 16 memorize them. 17 A. Okay. I will let you know. 18 (Perusing.) Okay. 19 Q. So starting at the top, I'm 20 not -- these were two different documents 21 that were provided to us. I'm not sure if 22 they're the same, these two org charts. 23 One has the number D251 at the bottom. 24 The next one has the number CH1895. 25 Do these look like an accurate</p>	Page 79	<p>1 M. ROCHE 2 number on it. But I -- and in this 3 moment, I can't tell if it's part of 4 CH1889 or CH1895 right before it, but 5 we can certainly -- I can certainly 6 look that up on our next break. 7 A. So just to be clear, the 8 question was does that look accurate at 9 any point in time? 10 Q. Yeah. 11 A. Yes. That looks like a list 12 prior to Joe Pasquarello's start. So -- 13 Q. Okay. 14 A. -- that would be either sometime 15 in '19 or before. 16 Q. Okay. And then the next page 17 has the Bates number on it. It says 18 CH1889. The next document, does this look 19 like an accurate portrayal of the Mount 20 Sinai staff -- forgive me. I thought the 21 -- I thought the years were on here. Give 22 me one minute. Does this look like a 23 portrayal of the Facilities staff in 2019 24 approximately? 25 A. Yes.</p>	Page 81

<p>1 M. ROCHE</p> <p>2 Q. Okay. And I'm going to skip the</p> <p>3 next page and -- and page seven. I</p> <p>4 believe it's page ten of this document.</p> <p>5 It shows what looks like just a snapshot</p> <p>6 of the Fire Safety Department; is that</p> <p>7 correct?</p> <p>8 A. Yes, that's correct. I'm not</p> <p>9 sure that this was updated in 2019, so</p> <p>10 that may represent previous year data, but</p> <p>11 it was certainly accurate at one point in</p> <p>12 time.</p> <p>13 Q. Okay. By the way, all of these</p> <p>14 are part of that same Excel Spreadsheet,</p> <p>15 CH1889.</p> <p>16 A. Right. It wouldn't be uncommon,</p> <p>17 though, to only -- only update the -- the</p> <p>18 first tab, which would be the Crothall</p> <p>19 Table of Organization. Some of those</p> <p>20 other tabs are, you know, for</p> <p>21 informational purposes, but they're not</p> <p>22 updated on a regular basis.</p> <p>23 Q. Got it. So on page 14, you'll</p> <p>24 see another Bates number, CH1892. In the</p> <p>25 labeling of this file that we received, it</p>	Page 82	<p>1 M. ROCHE</p> <p>2 of the document, you see another</p> <p>3 spreadsheet or org chart. Does this look</p> <p>4 like this was accurate at some point in</p> <p>5 2016?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Let's see. I'm going to</p> <p>8 scroll to the next numbered page. Page 25</p> <p>9 has Bates stamp CH1898. Again, the file</p> <p>10 name that we received indicated that this</p> <p>11 next document was from 2015.</p> <p>12 If you scroll down to page 26 of</p> <p>13 the exhibit, does this look like it is an</p> <p>14 accurate depiction of Facilities staff in</p> <p>15 2015?</p> <p>16 A. Yes.</p> <p>17 Q. Sorry. I -- the sound --</p> <p>18 A. Yes, it does.</p> <p>19 Q. Okay. Then you see if you</p> <p>20 scroll down to page 27, it has Bates stamp</p> <p>21 number CH1897. Again, the file name for</p> <p>22 this document produced in native format</p> <p>23 indicated that it was from 2014.</p> <p>24 And if you scroll down to page</p> <p>25 28 of this exhibit, it's another org</p>	Page 84
<p>1 M. ROCHE</p> <p>2 indicated that this next document was from</p> <p>3 2018, but I don't know for sure.</p> <p>4 If you -- if you look at page 15</p> <p>5 right after that numbered sheet, that</p> <p>6 looks like the whole -- or it looks like</p> <p>7 the Facilities Department. Does this look</p> <p>8 like it may have been accurate at some</p> <p>9 point in 2018?</p> <p>10 A. Yes. Probably early '18, before</p> <p>11 I was moved to my current role.</p> <p>12 Q. Okay. Oh, I see what -- I see</p> <p>13 someone named -- is it Jason Curley? At</p> <p>14 the top, it says, I think, "Resident</p> <p>15 Regional Director, Jason Curley." Did you</p> <p>16 take over that role at some point?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And then I want to scroll</p> <p>19 down past this list. On page 17, we have</p> <p>20 another Bates number. It's CH1891. That</p> <p>21 was -- the file name that we received</p> <p>22 indicated that this next document was from</p> <p>23 2016.</p> <p>24 I, again, don't know if that's</p> <p>25 correct, but if you scroll down to page 18</p>	Page 83	<p>1 M. ROCHE</p> <p>2 chart. Do you know if this is an accurate</p> <p>3 depiction of the Facilities staff in 2014</p> <p>4 at some point?</p> <p>5 A. It does appear to be accurate.</p> <p>6 Q. Okay. And I think this is the</p> <p>7 last one. If you scroll down to page 29,</p> <p>8 Bates number CH1896, this file name</p> <p>9 indicated that the next document was from</p> <p>10 2013. If you scroll down, there is an org</p> <p>11 chart. Can you take a look at it and let</p> <p>12 me know if this looks like it was an</p> <p>13 accurate depiction of Facilities in 2013</p> <p>14 at some point?</p> <p>15 A. This was prior to my time, so I</p> <p>16 don't know if this was accurate.</p> <p>17 Q. Okay. Got it. All right. I'm</p> <p>18 going to -- I'm done with that exhibit.</p> <p>19 Getting back to the present, who</p> <p>20 currently works in the Mount Sinai</p> <p>21 Hospital Fire Safety Department?</p> <p>22 A. You're talking about from a</p> <p>23 management level, I assume?</p> <p>24 Q. Yeah. Not -- not including fire</p> <p>25 marshals.</p>	Page 85

<p>1 M. ROCHE 2 A. Sure. So that would be Bernie 3 Nuñez and Matt Bond. 4 Q. Is anyone else in the Fire 5 Safety Department aside from the fire 6 marshals? 7 A. No. Well, Bob Shaffer is still 8 with the company. 9 Q. He's -- Bob Shaffer is still 10 with the company. Is he considered part 11 of the Mount Sinai Hospital Fire Safety 12 Department? 13 A. He still has an -- he still 14 oversees them and may have an indirect 15 role, but if you're asking for all the 16 people involved, he would -- he would 17 basically be involved. 18 Q. Okay. What is Bernie Nuñez's 19 title? 20 A. Bernie is a director of fire 21 safety. 22 Q. And who does he report to? 23 A. He reports to me. 24 Q. And what is Matt Bond's title? 25 A. Matt Bond's title is the</p>	Page 86	<p>1 M. ROCHE 2 certifications? 3 A. Yes. 4 Q. What are the certifications that 5 they have to hold? 6 A. I don't know the specifics 7 because I'm a little far removed from 8 that, but there's a number of certificates 9 of fitness, and based upon the level that 10 they work is what determines which 11 certificates of fitness are required. 12 Q. So different -- different 13 responsibilities within the fire marshal 14 team necessitate different certificates of 15 fitness? 16 A. Correct. 17 Q. And is that -- those 18 certificates of fitness relate to the work 19 that they actually do? 20 A. In some cases. In some cases, 21 it does not. 22 Q. So how -- how does the Fire 23 Safety Department know which fire marshals 24 need which certificates? 25 A. There's a job description that</p>	Page 88
<p>1 M. ROCHE 2 assistant director of fire safety. 3 Q. And who does he report to? 4 A. He reports to Bernie Nuñez. 5 Q. Does Mario -- does someone named 6 Mario Persaud work in the Fire Safety 7 Department? 8 A. No. 9 Q. Does someone named Colin Knarich 10 with a K at the beginning work in Fire 11 Safety? 12 A. No. 13 Q. Regarding the fire marshals, are 14 there certain -- are there different types 15 of fire marshals or is there just fire 16 marshals? 17 A. There's, I believe, fire marshal 18 one and fire marshal two. That has 19 changed a bit in the past, so I'm not sure 20 of the current exact title. There used to 21 be one, two, three. Now there's, I 22 believe, one and two. Those employees are 23 all employees of Mount Sinai Hospital. 24 Q. Got it. And are they -- are 25 fire marshals required to have any special</p>	Page 87	<p>1 M. ROCHE 2 they use to determine the level. 3 Q. Got it. Are there any current 4 job openings in the Fire Safety Department 5 above the level of fire marshal? 6 A. For Crothall? 7 Q. For Crothall, yes. 8 A. Currently, no. 9 Q. Do you know any employee at 10 Crothall named Colin? 11 A. Yes. 12 Q. What's his last name? 13 A. You had it right. It's Knarich. 14 Q. Knarich with a K. What is his 15 current title? 16 A. He is a supervisor. 17 Q. In which department? 18 A. He works right now in the 19 Plumbing Department. 20 Q. And who does he report to? 21 A. He reports to an assistant chief 22 engineer. 23 Q. And what's his name? 24 A. His name is Joe -- Joseph 25 Ecklof.</p>	Page 89

<p>1 M. ROCHE</p> <p>2 Q. Going back to Bernie Nuñez, what</p> <p>3 are his responsibilities as director of</p> <p>4 fire safety?</p> <p>5 A. He oversees the Fire Safety</p> <p>6 program here, so he's responsible for all</p> <p>7 aspects of maintenance and repairs for any</p> <p>8 fire suppression or fire alarm systems.</p> <p>9 He is involved with -- he</p> <p>10 attends the Mount Sinai Medical Center</p> <p>11 safety committee meetings where he</p> <p>12 presents data on Fire Safety, repairs,</p> <p>13 work orders, any impacts, number of</p> <p>14 trainings, fire drills, et cetera. And he</p> <p>15 works with -- there's a number of</p> <p>16 high-level leadership meetings which he</p> <p>17 attends in that role.</p> <p>18 Q. And when you say he's in charge</p> <p>19 of the Fire Safety systems and -- and</p> <p>20 maintenance, does he actually repair Fire</p> <p>21 Safety systems?</p> <p>22 A. Physically with his hands?</p> <p>23 Q. Yeah.</p> <p>24 A. No, he does not.</p> <p>25 Q. So in what way does he -- in</p>	Page 90	Page 92
<p>1 M. ROCHE</p> <p>2 what way is he responsible for those</p> <p>3 systems?</p> <p>4 A. He's responsible for identifying</p> <p>5 when a repair is required, responsible for</p> <p>6 ensuring that the maintenance gets</p> <p>7 conducted as required, responsible for</p> <p>8 appropriately recording it, determining</p> <p>9 the impact of it, providing any training</p> <p>10 as a result of it, getting vendors in,</p> <p>11 scheduling. The whole aspect of --</p> <p>12 anything within the fire safety world that</p> <p>13 needs to be identified, repaired, fixed,</p> <p>14 he's responsible for coordinating those</p> <p>15 efforts.</p> <p>16 Q. I'd like to ask you to look at</p> <p>17 Exhibit 4.</p> <p>18 [The document was hereby marked</p> <p>19 as Plaintiff's Exhibit 4 for</p> <p>20 identification, as of this date.]</p> <p>21 Q. Let me know when you have that</p> <p>22 in front of you.</p> <p>23 A. Okay. Okay.</p> <p>24 Q. So this Exhibit 4, which is</p> <p>25 Bates stamped D255 to D258, it looks like</p>	Page 91	Page 93

<p>1 M. ROCHE 2 stamped D257 and it's actually 3 highlighted. Do you see where it says 4 "Education/Experience"?</p> <p>5 A. Yes.</p> <p>6 Q. And there's a highlighted list 7 there of -- it says, "Certification 8 requirements include," and then it says, 9 "OSHA 10-hour, F-85, S-12, S-13, S-95, 10 F-07," and then I think it says, "NFPA 101 11 training." Are those certifications 12 required for the director of fire safety?</p> <p>13 A. Well, I'm not sure who 14 highlighted this like this, but from my 15 view of this, there's a green highlight 16 under "preferred" and then that green 17 highlight continues under "Certification 18 requirements." Based on my read of that, 19 it appears that those are preferred -- 20 preferred certifications.</p> <p>21 Q. Mm-hmm. So they're not 22 necessarily required for -- for a Fire 23 Safety unit director?</p> <p>24 A. They may be. I really can't 25 answer that question.</p>	Page 94	<p>1 M. ROCHE 2 A. So it's a moot point. He had 3 the certifications. Again, if I were 4 to -- if he didn't and I still wanted to 5 move forward, I would involve HR for their 6 feedback.</p> <p>7 Q. If he did not have all of these 8 certifications at the time that you were 9 looking to hire him, would you have asked 10 him to get these certifications?</p> <p>11 MR. CLARK: Objection to form.</p> <p>12 You can answer.</p> <p>13 A. So that seems like a 14 hypothetical question. I guess what I 15 would do is reach out to Human Resources 16 and get further direction from them.</p> <p>17 Q. You would ask them if it was 18 important for a Fire Safety director to 19 have these certifications?</p> <p>20 MR. CLARK: Objection to form.</p> <p>21 You can answer.</p> <p>22 A. No. Clearly, they are 23 important, which is why they're preferred.</p> <p>24 Again, based on -- this is a form that 25 comes from HR, so based on my</p>	Page 96
<p>1 M. ROCHE 2 Q. Don't you hire the Fire Safety 3 unit directors?</p> <p>4 A. Yes.</p> <p>5 Q. So when you hire them or when 6 you supervise them, do you require them to 7 have these certifications?</p> <p>8 A. So I've only hired one Fire 9 Safety director and that person has these 10 certifications, so it's irrelevant whether 11 they're preferred or required because they 12 were met, so I really don't know. I'd 13 have to speak with HR to get a better 14 answer for you.</p> <p>15 Q. Was that a requirement you had 16 upon hiring him, that he have all of these 17 certifications?</p> <p>18 A. Sorry. Who is "him"?</p> <p>19 Q. I'm assuming the one director 20 you hired, that was Bernie Nuñez; is that 21 correct?</p> <p>22 A. That's correct.</p> <p>23 Q. So upon hiring him, was it a 24 requirement that he had these 25 certifications?</p>	Page 95	<p>1 M. ROCHE 2 interpretation, those all appear to be 3 preferred. So if they were not -- if that 4 individual did not have them, I would want 5 to get feedback from them before moving 6 forward.</p> <p>7 Q. Just to be clear, the part that 8 we're reading, it says:</p> <p>9 "Bachelor's degree in 10 Engineering or related fields and five 11 years responsibility at a director level 12 or eight plus years of applicable 13 experience in health care institution 14 preferred, with related continuous 15 education courses."</p> <p>16 And then it says:</p> <p>17 "Certification requirements 18 include:" and then the list that I read 19 earlier.</p> <p>20 Is it your understanding that 21 the "preferred" refers to the whole 22 paragraph or just the sentence that it's 23 actually in?</p> <p>24 MR. CLARK: Objection to form.</p> <p>25 You can answer.</p>	Page 97

25 (Pages 94 - 97)

<p>1 M. ROCHE</p> <p>2 A. So the question you just asked,</p> <p>3 the -- the -- the text is not capturing</p> <p>4 the fact that there are multiple color</p> <p>5 highlights in this document and the word</p> <p>6 "preferred" is highlighted with one color,</p> <p>7 which also is where the certification</p> <p>8 requirements are.</p> <p>9 Q. Is the job description</p> <p>10 highlighted when it's presented to</p> <p>11 employees or do you think that this</p> <p>12 highlighting happened later?</p> <p>13 MR. CLARK: Objection to form.</p> <p>14 A. I don't produce this document.</p> <p>15 Generally, if there's an opening, I get</p> <p>16 the required job description from Human</p> <p>17 Resources.</p> <p>18 Q. But Human Resources doesn't</p> <p>19 determine the requirements of a Fire</p> <p>20 Safety director; isn't that true?</p> <p>21 MR. CLARK: Objection to form.</p> <p>22 A. Human Resources gives us the job</p> <p>23 description based upon the level of -- of</p> <p>24 the job.</p> <p>25 Q. So are you telling me that Human</p>	Page 98	Page 100
<p>1 M. ROCHE</p> <p>2 Resources tells you that an F-85 Fire</p> <p>3 Safety director with active shooter, et</p> <p>4 cetera, certification should be listed on</p> <p>5 the Fire Safety director job description?</p> <p>6 MR. CLARK: Objection to form.</p> <p>7 You can answer again.</p> <p>8 A. I already told you that we work</p> <p>9 with HR to develop these, but once they</p> <p>10 are developed, the document comes from HR.</p> <p>11 Q. So when you work with HR, do you</p> <p>12 provide them with the information you want</p> <p>13 in the job description related to the</p> <p>14 responsibilities of the role and these</p> <p>15 qualifications for the role?</p> <p>16 A. Again, I think you asked me</p> <p>17 previously, but I don't create this</p> <p>18 document. I don't directly work with HR,</p> <p>19 so that would have to be asked of the</p> <p>20 people who do.</p> <p>21 Q. Do you establish the</p> <p>22 qualifications for the employees that you</p> <p>23 hire?</p> <p>24 MR. CLARK: Objection to form.</p> <p>25 A. I can provide recommendations to</p>	Page 99	Page 101

<p>1 M. ROCHE 2 information, yes. 3 Q. Do you think it's important for 4 a unit director of fire safety to have 5 these certifications? 6 A. I think it's important for any 7 manager to have the certifications that 8 people working under them have. 9 Q. Does -- 10 A. If they're managing -- I'm 11 sorry. Just to clarify. What I mean by 12 that is if they're managing direct staff 13 and technicians that have said 14 certifications, they should also have 15 those certifications in order to direct 16 them and basically have an expertise 17 within that field. 18 Q. So did you check to make sure 19 that Bernie Nuñez had these certifications 20 when you hired him? 21 A. (Inaudible.) 22 THE COURT REPORTER: Can you 23 repeat that, sir? 24 A. Yes. 25 THE COURT REPORTER: Thank you.</p>	Page 102	<p>1 M. ROCHE 2 building. 3 The time frame for actually 4 requesting a test, having the fire 5 department administer it on site, and then 6 issuing that actual license is quite 7 extensive. It's, you know, it can 8 probably take up to two years to get. The 9 request was made as soon as he started. 10 Q. And are all of his 11 certifications up to date right now? 12 A. To the best of my knowledge, 13 they are. 14 Q. Don't you keep track of that? 15 MR. CLARK: Objection to form. 16 A. I don't specifically keep track 17 of it, no. Again, that generally is 18 managed by Dorothy Perez in our regional 19 office. 20 Q. But if one of his certifications 21 was expired, would that be a problem? 22 MR. CLARK: Objection to form. 23 A. What -- what sort of problem? 24 Q. From your perspective, would it 25 be a performance problem if Bernie's</p>	Page 104
<p>1 M. ROCHE 2 Q. How did you check to see that he 3 had them? 4 A. He sent me -- I believe we 5 reviewed all of the licenses. He's got 6 copies of all of these licenses except for 7 the one I already mentioned. The 85 does 8 not exist. 9 Q. So does he have the F-89 or did 10 he have the F-89 when you hired him? 11 A. Yes. 12 Q. And did he have a -- I believe 13 the F-89 is specific to a particular 14 building; is that correct? 15 A. Correct. 16 Q. Did he have it for the building 17 that he would be working in as director of 18 fire safety? 19 A. So the way the process works is 20 you can request an on-site exam through 21 the fire department. You have the -- you 22 have the certification. There's two 23 pieces to it; it's passing a test, which 24 gets you the certification, but that 25 certification then needs to be linked to a</p>	Page 103	<p>1 M. ROCHE 2 certifications were not up to date at any 3 given time? 4 MR. CLARK: Objection to form. 5 You can answer. 6 A. I think we would make every 7 effort to have him renew and retest as 8 required to obtain them again. 9 Q. Would you -- would you think it 10 was a problem if he didn't have it done 11 within a year of his -- strike that. 12 Would you think it was a problem 13 if he didn't have his F-89 certification 14 linked to one of his current buildings 15 within a year of his hire? 16 MR. CLARK: Objection to form. 17 A. Again, I think I mentioned it's 18 quite an extensive process with dealing 19 with the FDNY. I would think it's a 20 problem if he had not made that request 21 for the test within a year of employment. 22 Q. Okay. Let's go to Matt Bond. 23 You said he's currently the assistant 24 director of fire safety? 25 A. Yes.</p>	Page 105

<p>1 M. ROCHE</p> <p>2 Q. At Mount Sinai Hospital; is that</p> <p>3 correct?</p> <p>4 A. (Inaudible.)</p> <p>5 THE COURT REPORTER: Can you</p> <p>6 repeat that, sir?</p> <p>7 A. Yes, that's correct.</p> <p>8 Q. What are his current job</p> <p>9 responsibilities?</p> <p>10 A. He oversees testing and</p> <p>11 maintenance of the fire alarm and fire</p> <p>12 suppression systems and ensures that we</p> <p>13 remain compliant.</p> <p>14 Q. Can you get a little more</p> <p>15 granular for me? When you say "he</p> <p>16 oversees," what -- what does that mean?</p> <p>17 Does he watch them do that testing and</p> <p>18 maintenance with his eyes?</p> <p>19 MR. CLARK: Objection to form.</p> <p>20 You can answer.</p> <p>21 A. I would say generally not. It's</p> <p>22 certainly not a requirement for him to</p> <p>23 watch people do the work.</p> <p>24 Q. So what does he do to oversee</p> <p>25 those things?</p>	Page 106	<p>1 M. ROCHE</p> <p>2 any certifications in his role as</p> <p>3 assistant director of fire safety?</p> <p>4 A. Yes.</p> <p>5 Q. Which ones is he required to</p> <p>6 have?</p> <p>7 A. Well, I'm not looking at the job</p> <p>8 description right now, but it's -- it's</p> <p>9 well stated in that job description.</p> <p>10 Q. Did Matt Bond sign a job</p> <p>11 description?</p> <p>12 A. I'm not sure of that.</p> <p>13 Q. So how would you or he know what</p> <p>14 certifications are expected of him? Which</p> <p>15 job description would he have to look at?</p> <p>16 MR. CLARK: Objection to form.</p> <p>17 A. So he's currently in an</p> <p>18 assistant director role, so he would look</p> <p>19 at the assistant director job description.</p> <p>20 Q. And are the certifications for</p> <p>21 the assistant director also preferred as</p> <p>22 opposed to required?</p> <p>23 A. I'm not looking at the document</p> <p>24 right now, but I would assume so. There</p> <p>25 are -- I do believe that he has all those</p>	Page 108
<p>1 M. ROCHE</p> <p>2 A. He ensures that they get done in</p> <p>3 the required time frame. He ensures that</p> <p>4 they are repaired, that they're recorded.</p> <p>5 Q. So is he -- is he documenting</p> <p>6 those repairs and I think you -- did you</p> <p>7 say testing as well?</p> <p>8 A. I did, yes.</p> <p>9 Q. Is there anything else that's</p> <p>10 part of his responsibilities?</p> <p>11 A. Yes.</p> <p>12 Q. Sorry. The sound cut out. I</p> <p>13 didn't hear.</p> <p>14 A. I said yes.</p> <p>15 Q. What else would you say is part</p> <p>16 of his list of responsibilities?</p> <p>17 A. Any task given to him by his</p> <p>18 manager.</p> <p>19 Q. Is that Bernie Nuñez?</p> <p>20 A. Yes.</p> <p>21 Q. And he -- Bernie Nuñez writes</p> <p>22 his performance reviews?</p> <p>23 A. Yes.</p> <p>24 MR. CLARK: Objection to form.</p> <p>25 Q. Is Matt Bond required to have</p>	Page 107	<p>1 M. ROCHE</p> <p>2 certifications as well.</p> <p>3 Q. I mean, I personally do not -- I</p> <p>4 did not receive from Defendants a signed</p> <p>5 job description so I also don't know what</p> <p>6 his job description is, but if there was</p> <p>7 one signed by him, it was called to be</p> <p>8 produced, so I am going to call for it to</p> <p>9 be produced.</p> <p>10 MR. CLARK: We've produced the</p> <p>11 assistant director job description in</p> <p>12 a number of formats. You definitely</p> <p>13 have it.</p> <p>14 MS. SELIGER: But just not a</p> <p>15 signed one. So if there's a signed</p> <p>16 one, I'm calling for that. I -- we</p> <p>17 also requested a signed job</p> <p>18 description for Bernie Nuñez, which</p> <p>19 was not produced if -- if one exists.</p> <p>20 MR. CLARK: If it exists, we'll</p> <p>21 produce it.</p> <p>22 Q. And you said you believe that</p> <p>23 Matt Bond has whatever certifications are</p> <p>24 required of him; is that correct?</p> <p>25 A. That's -- that's correct.</p>	Page 109

28 (Pages 106 - 109)

<p>1 M. ROCHE 2 Q. And how do you know that? 3 A. I know that he has his F-89 and 4 I've seen copies. I can't confirm that 5 they're current or the other ones, but I 6 have seen his license in the past. 7 Q. Why can't you confirm that 8 they're current? 9 A. Because I -- 10 MR. CLARK: Objection to form. 11 A. Because I haven't looked at them 12 within the last year. 13 Q. So a year has gone by and you 14 haven't checked the status of his 15 certifications; is that correct? 16 MR. CLARK: Objection to form. 17 You can answer. 18 A. Matt Bond does not report to me. 19 Q. So is Bernie responsible for 20 making sure that his subordinates' 21 certifications are up to date? 22 A. Dorothy Perez manages the 23 license process for the region. 24 Q. I understand she manages it, but 25 isn't it Bernie's responsibility to make</p>	Page 110	Page 112
<p>1 M. ROCHE 2 sure that his employee has all the 3 necessary certifications for the job? 4 MR. CLARK: Objection to form. 5 You can answer. 6 A. That's something that is done by 7 Dorothy Perez for this health system. 8 Q. Okay. I'd like to go through 9 the roles that Matt Bond has held since he 10 started working for Crothall. I know 11 there's overlap in your tenure at Crothall 12 and his, so to the extent you know, what 13 was Matt Bond's first position with 14 Crothall? 15 A. I believe Matt started as an 16 intern. An hourly intern. 17 Q. Do you know what year he 18 started? 19 A. It was back in the '13, '14 time 20 frame. I don't know specifically when. 21 Q. And then after he completed 22 that, do you know what his next role was 23 with Crothall? 24 A. I don't just because I was not 25 directly involved with that group at that</p>	Page 111	Page 113

<p>1 M. ROCHE 2 time you hired a new assistant director? 3 A. You're asking is it shortly 4 before Joe Pasquarello was hired? 5 Q. Yeah. 6 A. I believe it was. 7 Q. And did Joe Pasquarello replace 8 Matt Bond as the assistant director of 9 fire safety? 10 A. Yes, he did. 11 Q. And then I believe Matt Bond's 12 position changed again in 2020; is that 13 correct? 14 A. Yes. 15 Q. What was his next position in 16 2020? 17 A. So Matt Bond had some personal 18 issues with Joe Pasquarello and he asked 19 if -- if there were any opportunities 20 outside of the Fire Safety Department for 21 him. There was a vacancy as a Work 22 Control manager. 23 Q. So who did he replace as the 24 Work Control manager? 25 A. So that was a new position for </p>	Page 114	<p>1 M. ROCHE 2 would be better suited at a more junior 3 level. He, at that point, agreed and 4 applied for a vacant position and was 5 ultimately put into that vacant position. 6 Q. Meaning he applied for the Fire 7 Safety manager position and then got that 8 position? 9 A. Correct. It was -- it was 10 really a, I guess, consensual demotion. 11 He admitted that he was not able to 12 perform at that level, and rather than 13 going down a path of counseling, he 14 accepted a position at a lower level. 15 Q. At the time that he moved from 16 Fire Safety manager to his -- his newly 17 created role in 2020, I think you said 18 Work Control; is that correct? 19 MR. CLARK: Objection to form. 20 Q. Anyway, when he moved from his 21 Fire Safety manager role to his newly 22 created role in 2020, how had he been 23 performing as a Fire Safety manager? 24 MR. CLARK: Objection to form. 25 You can answer. </p>	Page 116
<p>1 M. ROCHE 2 Crothall. Previously, it was a Mount 3 Sinai position. 4 Q. And when he had that new 5 position, who did he report to? 6 A. He reported to Ryan Nowicki. 7 Q. And you mentioned earlier that 8 you demoted him from assistant director to 9 manager. Why did you do that? 10 A. Having issues completing his 11 tasks, meeting certain deadlines, and I 12 think he, you know, he was -- had a good 13 knowledge base, but didn't have the 14 managerial skills to perform at that 15 level. 16 Q. Sorry. Did you say "to perform 17 at that level"?</p> <p>18 A. Yes. 19 Q. So you moved him to a Fire 20 Safety manager role and hired Joe 21 Pasquarello to head the department 22 instead; is that correct? 23 A. Well, I -- I didn't actually 24 move him. I informed him that he was not 25 fit for the job at that level and that he </p>	Page 115	<p>1 M. ROCHE 2 A. I just want to correct something 3 you said. You said "newly created." It 4 was not newly created. It was newly -- it 5 was a new Crothall position that was 6 previously done by a Mount Sinai employee. 7 Q. Got it. So at the time he moved 8 from Fire Safety to his new role in 2020, 9 how had he been performing as a Fire 10 Safety manager? 11 A. Not well, according to his 12 supervisor. 13 Q. Who hired him for his new role 14 in 2020? 15 A. Ryan Nowicki. 16 Q. And Ryan Nowicki was the one who 17 interviewed him for that role? 18 A. Yes. 19 Q. And was he considered well 20 qualified for that role? 21 MR. CLARK: Objection to form. 22 You can answer. 23 Q. If you know? 24 A. Yes. 25 Q. Did you play any part in the </p>	Page 117

<p>1 M. ROCHE 2 hiring or interviewing of Matt Bond for 3 his role, his new role in 2020? 4 A. No, I did not. 5 Q. And then I understand that now, 6 he holds the role of fire safety assistant 7 director again; is that correct? 8 A. That's correct. 9 Q. Do any managers report to him 10 right now? 11 A. No. 12 Q. You mentioned that before he 13 moved in 2020, that he had not been 14 performing that well as a Fire Safety 15 manager. Was he counseled at all for 16 whatever shortcomings he had? 17 A. I think I mentioned that he was 18 not performing well under the belief of 19 his direct supervisor, which was Joe 20 Pasquarello. He was not counseled at any 21 point under Joe's tenure. 22 Q. When you say "counseled," are 23 you talking about formal counseling filed 24 with HR or are you talking about informal 25 counseling, like guidance, instructions,</p>	Page 118	<p>1 M. ROCHE 2 A. Joe sent me, you know, all kinds 3 of communications. He did send me a 4 proposed improvement plan for Matt Bond, 5 and I reviewed it and I thought it was 6 appropriate and I told him that, "You need 7 to give it to him if this is what you 8 think is going on." 9 Q. So you took a hands-off 10 approach? 11 MR. CLARK: Objection to form. 12 A. My role is to manage my direct 13 reports, as is every other manager's. I 14 wouldn't say that I took a hands-off 15 approach at all. I would say that Joe 16 Pasquarello was not a competent manager. 17 Q. So as far as you know, did Joe 18 ever give Matt Bond detailed instructions 19 about what he expected from Matt? 20 A. I would assume that he did. 21 It's very likely that he did. I don't 22 recall a situation where I've reviewed 23 that. 24 Q. In what way was Joe Pasquarello 25 not a good manager to Matt Bond?</p>	Page 120
<p>1 M. ROCHE 2 things like that? 3 A. I'm talking about a formal 4 counseling with HR. 5 Q. Did Joe Pasquarello provide 6 informal counseling for Matt Bond? 7 A. I assume so. They met on a 8 regular basis, but I was not in the room. 9 Q. Did Joe tell you that he was 10 working with Matt Bond on Matt Bond's 11 performance? 12 A. Joe told me that he was having 13 issues with Matt Bond's performance, but 14 he couldn't articulate specifically what 15 they were. I told him that if there are 16 issues, then he needs to determine clear 17 expectations in writing and provide them 18 to him. I don't believe that Joe ever did 19 that. 20 Q. So Joe never e-mailed to you 21 communications between him and Matt Bond 22 spelling out what Matt Bond needed to do 23 or what he needed to improve on? 24 MR. CLARK: Objection to form. 25 You can answer.</p>	Page 119	<p>1 M. ROCHE 2 A. I don't think that he had the 3 ability to provide direction. I don't 4 think he had the ability to prioritize 5 tasks. I don't think he really provided 6 much coaching. 7 Q. Why -- why do you think that he 8 didn't provide those things? Not why 9 didn't he, but why do you believe that 10 that didn't happen? 11 MR. CLARK: Objection to form. 12 A. I guess because I don't -- I 13 hadn't seen any improvement during the 14 time that Matt worked under Joe from Matt. 15 And I think partially that's because of he 16 was not getting clear direction. 17 Q. So you assumed that Joe didn't 18 counsel him because Matt didn't get better 19 at his job. Is it possible Joe did 20 counsel him, but Matt just didn't get 21 better at his job? 22 MR. CLARK: Objection to the 23 form. You can answer. 24 A. I don't think I assumed that 25 Matt didn't get better at his job because</p>	Page 121

<p>1 M. ROCHE 2 he wasn't counseled. I think that's 3 related, but I don't think that's the 4 reason.</p> <p>5 Q. But you were aware that he 6 wasn't doing well at his job?</p> <p>7 A. (Inaudible.)</p> <p>8 THE COURT REPORTER: Can you 9 repeat that, sir?</p> <p>10 A. I said yes.</p> <p>11 Q. Do you believe that Joe 12 Pasquarello's performance improved over 13 the course of his tenure with Crothall?</p> <p>14 A. I think there were things that 15 Joe did that caused improvement and I 16 think there were certainly aspects of his 17 role that he did improve, but I don't 18 believe that he performed on the level 19 that would be required in that role.</p> <p>20 Q. Is that because you didn't 21 counsel him or provide him with enough 22 support and direction?</p> <p>23 MR. CLARK: Objection to form.</p> <p>24 A. (Inaudible.)</p> <p>25 THE COURT REPORTER: Can you</p>	Page 122	<p>1 M. ROCHE 2 MR. CLARK: Objection. Are you 3 going to continue to argue with the 4 witness? I'll allow to you answer 5 this question, but if we're going to 6 continue to start our questions with 7 "but," I'm going to not allow him to 8 answer anymore. Go ahead. You can 9 answer, Mike.</p> <p>10 A. Could you restate the question?</p> <p>11 MS. SELIGER: Melissa, could you 12 read back the question? I can't 13 remember how I stated it.</p> <p>14 THE COURT REPORTER: One moment, 15 please.</p> <p>16 Q. But Mr. Roche, when she restates 17 it, I'll restate it again without the 18 "but."</p> <p>19 (Requested testimony was read.)</p> <p>20 Q. Okay. So do you believe that 21 Joe Pasquarello provided informal 22 counseling to Matt Bond regarding his 23 performance?</p> <p>24 A. I think you asked that already, 25 and I think my answer was along the lines</p>	Page 124
<p>1 M. ROCHE 2 repeat that, sir?</p> <p>3 A. Sorry, yes. I said no.</p> <p>4 Q. So when Joe's subordinate does 5 not improve, you assume that he did not 6 provide counseling and direction, but when 7 your subordinate does not improve in 8 certain respects, it's not actually 9 related to your support and direction? 10 Isn't that what you just said?</p> <p>11 MR. CLARK: Objection to form.</p> <p>12 A. No. That's not what I said, and 13 I don't think that's a fair 14 characterization of what I'm saying. What 15 I -- you asked me questions of did Joe 16 provide counseling to Matt? If -- if the 17 question is did he provide a progressive 18 counseling in order to try and rectify his 19 problem behavior, the answer is no, Joe 20 did not provide that. I provided that to 21 Joe because his performance was less than 22 what it should have been.</p> <p>23 Q. But you also stated that you 24 don't think Joe provided informal 25 counseling to Matt Bond; is that correct?</p>	Page 123	<p>1 M. ROCHE 2 of that I assumed he did because he had 3 regular one-on-one weekly meetings and a 4 lot of interaction with him.</p> <p>5 Q. Did Joe ever tell you that he 6 was informally counseling Matt Bond?</p> <p>7 A. Yes.</p> <p>8 Q. So then he told you he was 9 informally counseling Matt Bond. Does 10 that mean you knew that he was informally 11 counseling Matt Bond?</p> <p>12 MR. CLARK: Objection to form.</p> <p>13 A. Say that one more time?</p> <p>14 Q. No. You can strike the 15 question. I just want to clarify you said 16 that Joe Pasquarello did tell you that he 17 was informally counseling Matt Bond; is 18 that correct?</p> <p>19 MR. CLARK: Objection to form.</p> <p>20 You can answer again.</p> <p>21 A. I guess I don't understand what 22 you mean by "informally counseling." They 23 had regular meetings where they talked 24 about performance and expectations. If 25 that's what you mean by informal</p>	Page 125

<p>1 M. ROCHE 2 counseling, then yes, he certainly 3 informally counseled Matt on a regular 4 basis. 5 Q. I guess I would -- I would -- 6 strike that. 7 Aside from their oral 8 conversations, did Joe Pasquarello give 9 Matt Bond specific instructions about what 10 Matt Bond was supposed to complete or 11 perform in terms of his duties? 12 A. I think that's a question that 13 needs to be answered by Joe Pasquarello or 14 Matt Bond. If it was given, it would have 15 been given not in my company. 16 Q. Okay. I'd like to direct you to 17 open Exhibit 5. 18 [The document was hereby marked 19 as Plaintiff's Exhibit 5 for 20 identification, as of this date.] 21 Q. These documents which each have 22 Bates stamp numbers on them are the offer 23 letters to Matt Bond that were produced to 24 us. Let me know when you have them in 25 front of you.</p>	Page 126	<p>1 M. ROCHE 2 that's not accurate. 3 Q. Why is that? 4 A. Because I believe that that's -- 5 that's the offer for his management role 6 for Work Control, the one we previously 7 talked about where he reported to Ryan 8 Nowicki. 9 Q. Right. That's what I'm asking 10 you. It says here -- oh. So you're 11 saying the -- what are you saying is 12 inaccurate about it? The title? 13 A. I'm saying I believe that letter 14 is inaccurate where it states that it 15 reports to me. That position did not 16 report to me. 17 Q. Which position? Engineering 18 manager? 19 A. Yes. 20 Q. And is that documented somewhere 21 that there was an engineering manager 22 reporting to Ryan Nowicki? 23 MR. CLARK: Objection to form. 24 You can answer. 25 A. I believe so.</p>	Page 128
<p>1 M. ROCHE 2 A. Yes. I have them in front of 3 me. 4 Q. Do these look to be the accurate 5 offer letters that Matt Bond was provided 6 over the years? 7 A. -- accurate. 8 THE COURT REPORTER: Sorry, sir. 9 Can you repeat your answer, please? 10 A. Sure. I said yes, they look 11 accurate. 12 Q. If you scroll down to it's page 13 ten of this document, it's a document with 14 the Bates number D000620 and it's dated 15 12/14/2020. Do you see that document? 16 A. Yes, I do. 17 Q. And it says: 18 "Congratulations. This letter 19 will confirm the terms of our offer of 20 employment for the position of engineering 21 manager for Crothall Healthcare, a member 22 of Compass Group U.S.A., the company, 23 reporting to Michael Roche." 24 Do you see that? 25 A. I do see that and I believe</p>	Page 127	<p>1 M. ROCHE 2 Q. So there's the offer letter 3 here, and if you scroll down to page 13, 4 at the end, it says, "Sincerely, Michael 5 Roche." Is this not the offer letter that 6 was presented to Matt Bond for the role he 7 took on in or about December of 2020 or it 8 looks like the start date was January '21? 9 MR. CLARK: Objection to form. 10 A. That is -- it is the offer 11 letter. It appears to be. My point is I 12 don't believe that the information within 13 it is accurate. 14 Q. Is anything accurate in this 15 letter? 16 MR. CLARK: Objection to form. 17 Q. How about the start date? Does 18 that look accurate? 19 A. -- the best of my recollection. 20 THE COURT REPORTER: I'm sorry, 21 sir. Please repeat that. 22 A. To the best of my recollection, 23 it looks accurate. 24 Q. And what about his salary grade? 25 A. That I would have to look up,</p>	Page 129

<p>1 M. ROCHE 2 but I presume it's accurate. 3 Q. What about his actual salary 4 amount? Does that look accurate? 5 A. Again, that I would have to look 6 up, but I presume it's accurate. 7 Q. Were you involved in determining 8 his salary for the role he took on at the 9 end of 2020 or beginning of '21? 10 A. I would have been involved to 11 make sure that it was within a certain 12 range, within the budgeted range, but it 13 would have been Ryan Nowicki that would 14 determine that exact salary. 15 Q. Did Ryan Nowicki write Matt 16 Bond's performance reviews in this role? 17 A. He would, yes. Based upon the 18 time that he was in that role, I don't 19 know that he ever did a performance 20 evaluation in that role. 21 Q. Okay. 22 A. Just to add, this letter is an 23 automated letter from our software system. 24 This is not a letter that's written by me. 25 I am the signator on it, but again, that's</p>	Page 130	<p>1 M. ROCHE 2 that a further demotion? 3 A. This is a manager-level 4 position. It was what I would consider a 5 lateral move. 6 Q. Okay. And it looks like his 7 salary went up. Here it states he would 8 be earning \$107,120 in this role, but I 9 think in 2019, the document Bates stamped 10 619 -- sorry -- D000619 just above, it 11 looks like he was making 104,000. So 12 he -- he received a slight raise, is that 13 correct, when he moved positions? 14 MR. CLARK: Objection to form. 15 A. No. That's not correct. What 16 you're looking at is an offer of a certain 17 salary. He -- in between those two 18 offers, he did receive an annual increase, 19 as all employees do. 20 Q. Got it. And then at the bottom, 21 it looks like -- sorry. On page 624, it 22 looks like that is the offer letter for 23 his current role; is that correct? Sorry. 24 That's page 14 of the exhibit. The Bates 25 number is 624.</p>	Page 132
<p>1 M. ROCHE 2 automated. So it's possible that it was 3 listed as a direct report because of the 4 fact that I'm the head of the account. 5 That doesn't necessarily mean that that's 6 the way it should be or, operationally, 7 that's how the table of organization 8 looked. 9 Q. And so does Ryan Nowicki report 10 to you? 11 A. He doesn't right now, but he 12 did, yes. 13 Q. At the time of this letter, he 14 did? 15 A. (Inaudible.) 16 THE COURT REPORTER: If you 17 could repeat that? 18 A. Yes. 19 Q. So was Matt Bond then further 20 demoted? 21 MR. CLARK: Objection to form. 22 A. Could you restate your question? 23 Q. Was the move from Fire Safety 24 manager to this position, whatever it was 25 called, reporting to Ryan Nowicki, was</p>	Page 131	<p>1 M. ROCHE 2 A. Sure. Yes. That's what it 3 looks like to me. 4 Q. Okay. I'm done with that 5 exhibit. 6 THE COURT REPORTER: 7 Ms. Seliger, I'm sorry. Can I just 8 have two minutes really quickly? I 9 just have, like, a technical issue. I 10 apologize. 11 MS. SELIGER: Sure. 12 THE COURT REPORTER: Thank you. 13 One moment, please. 14 (A brief recess was taken.) 15 Q. I'd like to open Exhibit 6. If 16 you can just let me know when you have it 17 open in front of you. 18 A. Okay. Yes, I'm looking at it. 19 Q. Okay. Can you tell me what -- 20 after you have a chance to kind of scroll 21 through it, can you tell me what these 22 notes appear to be or what these documents 23 appear to be? 24 A. Should I look at all 22 pages or 25 do you want to just start by looking at</p>	Page 133

<p>1 M. ROCHE 2 the first one? 3 Q. If you want to just scroll 4 through just to get a sense of what they 5 are and then we can look at individual 6 pages. 7 A. Just standby for a while. I'm 8 going to read through this. 9 Q. Sure. 10 MS. SELIGER: Melissa, I'm 11 sorry. I completely forgot my 12 commitment to say I'd like to mark 13 this as Exhibit 6. I would like to 14 mark this as Exhibit 6. 15 [The document was hereby marked 16 as Plaintiff's Exhibit 6 for 17 identification, as of this date.] 18 MS. SELIGER: For the record, 19 the exhibits that we've discussed thus 20 far, I would like them marked as 21 described during the deposition. 22 Q. Again, whenever you're ready, 23 I'm not -- I'm not going to test you on 24 every word of these documents, but just 25 when you're ready, and no rush, let me</p>	Page 134	<p>1 M. ROCHE 2 forty-three, it looks like page 17 of this 3 exhibit. 4 A. Okay. 5 Q. Do you see at the top in the 6 caption, it looks like it's dated 7 October 5, 2021, and it says, 8 "Participants: Michael Roche and Bernie 9 Nuñez." Do you see that? 10 A. Yes. 11 Q. Sorry. Was that a "yes"? 12 A. Yes, I see that. 13 Q. So would this have been the 14 agenda for your meeting with Bernie Nuñez 15 on that date? 16 A. That does appear to be what it 17 is. 18 Q. And do you see the handwritten 19 notes on the document? 20 A. Yes. 21 Q. Is that your handwriting? 22 A. Yes. 23 Q. So did you generally take notes 24 during these meetings on the actual 25 agenda?</p>	Page 136
<p>1 M. ROCHE 2 know what these documents appear to be to 3 you. 4 A. Okay. I'm on page 19, so a few 5 more minutes. 6 Q. Okay. 7 A. Okay. I'm all set. 8 Q. Okay. What -- what do you 9 believe this collection of documents to 10 be? 11 A. This looks like the weekly 12 agenda that Joe would have drafted to 13 provide to me for our one-on-one meetings. 14 And then there's some period of time where 15 it looks like after Joe resigned, when 16 Bernie continued these -- this one-on-one 17 meeting with me. 18 Q. So after Joe left, who would 19 have been drafting these documents? 20 A. After Joe resigned, Bernie would 21 have been drafting these. 22 Q. Okay. If you scroll down to -- 23 let's see. It's Bates -- it's a page with 24 the Bates stamp 643. I'll tell you what 25 page of the exhibit it is. Yeah. Six</p>	Page 135	<p>1 M. ROCHE 2 A. Only on items that I had a 3 specific interest in, but yes, it was not 4 uncommon for me to do so. 5 Q. Did you do the same when Joe 6 Pasquarello was having one-on-one meetings 7 with you? 8 A. Yes. 9 Q. Sorry. I can't -- 10 A. Yes. 11 Q. Okay. If you look at the -- the 12 first item on the agenda, it says, "Vacant 13 Positions." It says, "Two manager 14 positions." Were you and Bernie Nuñez 15 discussing the hiring of two manager 16 positions at that time? 17 A. I'm not sure. During that 18 period of time, again, there was a lot of 19 transition and I don't know specifically 20 what date -- I just -- I can't remember 21 off the top of my head the exact day that 22 Joe resigned, but it does look like we 23 were talking about staffing. 24 Q. So if I told you that Joe left 25 Crothall on or about September 21, 2021,</p>	Page 137

<p>1 M. ROCHE 2 you don't have to take my word for it, but 3 if -- I'm going to put that out there that 4 I -- I believe that's approximately the 5 time Joe was no longer at Crothall. If he 6 was at Crothall, would he have been part 7 of this meeting in October? 8 MR. CLARK: Objection to form. 9 You can answer. 10 A. So this meeting is a direct 11 report meeting for me. It's a way of me 12 getting up to speed on what's going on for 13 all of my direct reports. So the 14 requirement is that my direct report sit, 15 you know, have that meeting. 16 It's not uncommon for -- to 17 bring along a direct report of theirs or a 18 manager related, especially during a 19 transition like this, so it really just 20 depends how comfortable Bernie would have 21 been at that point. 22 Q. So the item that says, "Two 23 manager positions," does that mean you 24 discussed two manager positions in Fire 25 Safety?</p>	<p>Page 138</p> <p>1 M. ROCHE 2 additional staff? 3 MR. CLARK: Objection to form. 4 A. It was always an intention to 5 have more than one manager. 6 Q. It was always whose intention to 7 have more than one manager? 8 A. It's always been my intention as 9 well as any of my predecessors. 10 Q. So was it ever the case that you 11 envisioned Fire Safety to be a one-person 12 job? 13 A. It was the case that it was a 14 one-person job at one point in time. 15 Q. Which point was that? 16 A. Back in 2013. 17 Q. Ah. Okay. So I'm not good at 18 math, but is that eight, nine years ago? 19 A. Yes. 20 Q. And I guess if you scroll to 21 page 641, so scroll up. It looks like it 22 says under, "Vacant positions," it says, 23 "Two manager positions," and then it has a 24 bullet point: "Julie/Mario contacting 25 prospects for interviews." Can you</p>
<p>1 M. ROCHE 2 A. So, again, this is a document 3 produced by Bernie, not produced by 4 myself, so that might have been related to 5 a question of are we going to hire two 6 manager positions? Without any notes on 7 it, I really don't know what it was for, 8 but I assume it was a question from him to 9 me on how we would staff the department. 10 Q. So after Joe Pasquarello was no 11 longer at Crothall, did you and Bernie 12 ever discuss adding or -- or staffing two 13 manager positions in Fire Safety? 14 A. I would not be surprised if we 15 did. Ultimately, we chose to not do that. 16 Q. Why would you hire anyone other 17 than Bernie in Fire Safety? 18 MR. CLARK: Objection to form. 19 A. Could you restate that? I'm not 20 quite sure what you're asking. 21 Q. Well, Bernie Nuñez was the 22 director of fire safety at this time; is 23 that correct? 24 A. Yes. 25 Q. So why would he need any</p>	<p>Page 139</p> <p>1 M. ROCHE 2 explain to me what that agenda item means? 3 A. It's likely referring to Julie, 4 who is our recruiter, and Mario, who, at 5 the time, was our facility coordinator. 6 Generally, that person would be 7 responsible for arranging interviews to 8 take some of the workload off of our 9 managers. 10 Q. So Julie and Mario were helping 11 Bernie contact prospects for interviews? 12 Is that what that means? 13 A. Yes. 14 Q. And it looks like they would be 15 prospects for these manager positions; is 16 that correct? 17 A. Yes. That's what it looks like. 18 Q. Okay. And then if you scroll up 19 to page 637 or Bates number 637, it looks 20 like on this page, page 11 of the 21 document, under "Management positions" on 22 November 16th of 2021, it says, "Matt Bond 23 - Assistant Director." Can you tell me 24 what this agenda item means? 25 A. It looks like Bernie's proposing</p>

<p>1 M. ROCHE 2 recruiting Matt Bond for an assistant 3 director level position. 4 Q. Why -- did you discuss this 5 suggestion at that meeting? 6 A. Yeah. I'm sure we did. 7 Q. And do you recall what the 8 discussion was around hiring Matt Bond as 9 an assistant director? 10 A. I don't recall that specific 11 discussion. If I were to answer the 12 question right now, I -- I'm sure that I 13 would have said that Matt Bond has a very 14 good knowledge base of the systems and 15 operationally has been good in the role, 16 but he had a lot of deficiencies and 17 issues with the timeliness of his 18 documentation. 19 Q. So, ultimately, what was the 20 discussion -- or strike that. 21 What caused you or Bernie to 22 approve Matt Bond as the assistant 23 director of fire safety ultimately? 24 MR. CLARK: Objection to form. 25 You can answer.</p>	<p>Page 142</p> <p>1 M. ROCHE 2 employee? 3 MR. CLARK: Objection to form. 4 A. I think he was considered 5 somebody with a vast knowledge of Fire 6 Safety systems and historical knowledge on 7 the campus. In that respect, he knew far 8 more than Bernie or Joe Pasquarello mostly 9 related to his tenure here. He's been 10 here nine years. It takes a lot of time 11 to learn all the systems. And, again, 12 that was a decision made by the then 13 director of fire safety. 14 Q. But he knew Matt Bond's history 15 in his former circuit in Fire Safety when 16 he made that decision? 17 MR. CLARK: Objection to form. 18 You can answer. 19 A. Yes. He was made well aware of 20 Matt Bond's previous issues. 21 Q. Okay. I'm done with this 22 exhibit. Are you familiar with the 23 Outmatch Assessment Service for employers? 24 A. I've seen it. I wouldn't 25 consider myself familiar. I have seen it</p>
<p>1 M. ROCHE 2 A. So to clarify, Matt Bond would 3 have been reporting to Bernie, so it would 4 have been 100 percent Bernie's decision. 5 And, ultimately, I voiced hesitation, but 6 not to the point where I told him that he 7 would not be considered. If Bernie wanted 8 to hire him, I was giving Bernie that 9 managerial ability to hire him. 10 Q. Why was Matt Bond hired as an 11 assistant director as opposed to a 12 manager? 13 A. We were having discussions at 14 that point of how to staff the department; 15 whether to staff it with two junior level 16 persons or one more -- more seasoned 17 person, and I guess, ultimately, Bernie 18 decided that he would like one person with 19 more knowledge and some historical 20 knowledge than two more green people, 21 lower level people. 22 Q. And so even though Matt Bond had 23 not been in the Fire Safety Department 24 since he left in 2020 or January of '21, 25 he was considered a seasoned Fire Safety</p>	<p>Page 143</p> <p>1 M. ROCHE 2 maybe twice. It's a relatively new 3 program by HR and primarily I think used 4 by HR, but I have seen a report, yes. 5 Q. Do you know how HR uses that 6 service? 7 A. So my understanding is it's a -- 8 kind of a survey type personality based 9 question where you answer a number of 10 questions and they come up with a 11 determination on how fit for the role you 12 are. 13 Q. And is it used in decision 14 making regarding prospective candidates? 15 A. So it's one of many tools. It 16 misses completely your knowledge base and 17 technical skills. It's more geared 18 towards personalities and understanding 19 relationships and kind of the soft skills. 20 Not -- not as much, you know, 21 knowledge-based requirements. 22 Q. Okay. I'd like to open 23 Exhibit 7. 24 MS. SELIGER: I'd like to mark 25 this as Exhibit 7.</p>

<p>1 M. ROCHE</p> <p>2 [The document was hereby marked</p> <p>3 as Plaintiff's Exhibit 7 for</p> <p>4 identification, as of this date.]</p> <p>5 Q. You'll see these are documents</p> <p>6 Bates stamped D504 to D512. These are</p> <p>7 what look like personnel type records</p> <p>8 related to Matt Bond. Do you see that?</p> <p>9 A. I am looking --</p> <p>10 MR. CLARK: Objection to form.</p> <p>11 Go ahead.</p> <p>12 A. I'm looking at it right now.</p> <p>13 Q. Do you see the -- the first few</p> <p>14 pages of the document or two pages,</p> <p>15 rather, look like a resume for Matt Bond?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And then if you scroll</p> <p>18 down, the bottom of the -- of page three,</p> <p>19 Bates stamp 506, that it looks like some</p> <p>20 other sort of record begins. This is --</p> <p>21 would you agree that this is no longer his</p> <p>22 resume?</p> <p>23 A. Yes. This is no longer his</p> <p>24 resume.</p>	Page 146	<p>1 M. ROCHE</p> <p>2 A. Yes.</p> <p>3 Q. Do you see that there are no</p> <p>4 effective dates or expiration dates next</p> <p>5 to those entries?</p> <p>6 A. Yes.</p> <p>7 Q. It appears that this is a place</p> <p>8 where certifications are recorded; is that</p> <p>9 true?</p> <p>10 MR. CLARK: Objection to form.</p> <p>11 A. This is the first time I'm</p> <p>12 seeing this document and I'm not familiar</p> <p>13 with it. It does look like those are</p> <p>14 certifications.</p> <p>15 Q. Do you know if Matt Bond had any</p> <p>16 of these at the time that he was assistant</p> <p>17 director in 2018 and '19?</p> <p>18 A. Yes, he did.</p> <p>19 Q. Do you know why it's not</p> <p>20 recorded here?</p> <p>21 A. My assumption would be that he</p> <p>22 didn't fill that text box in when he</p> <p>23 applied for his current role, but no. I</p> <p>24 do not know why it's not listed here.</p> <p>25 Q. And does he have those</p>	Page 148
<p>1 M. ROCHE</p> <p>2 Q. Okay. If you scroll down to</p> <p>3 page -- it's Bates stamped 511, page eight</p> <p>4 of this document.</p> <p>5 A. Yes.</p> <p>6 Q. Do you see -- I guess it starts</p> <p>7 at the bottom of page seven, it lists</p> <p>8 certifications possessed by Matt Bond.</p> <p>9 So, actually, the page Bates stamped D510</p> <p>10 is where it seems to start.</p> <p>11 A. Yes.</p> <p>12 Q. So it looks like he has some</p> <p>13 certification called CHFM; is that</p> <p>14 correct?</p> <p>15 A. Yes.</p> <p>16 Q. And it says it has an effective</p> <p>17 date listed there and then an expiration</p> <p>18 date, which is October 31, 2022; is that</p> <p>19 correct?</p> <p>20 A. Yes. That's what it looks like.</p> <p>21 Q. And then if you scroll down to</p> <p>22 the next page, there are similar entries</p> <p>23 for a certification called F-60, W-7, F-7,</p> <p>24 F-1, S-14, S-13, S-12, and S-95. Do you</p> <p>25 see that?</p>	Page 147	<p>1 M. ROCHE</p> <p>2 certifications now?</p> <p>3 A. I think you already asked me</p> <p>4 that and, again, my understanding is yes,</p> <p>5 but I don't know that to be true.</p> <p>6 Q. Okay. But when he was assistant</p> <p>7 director of fire safety in 2018 and '19,</p> <p>8 you did know that to be true?</p> <p>9 A. Yes. He had the fire</p> <p>10 certifications. I'm not sure if he had</p> <p>11 the CHFM and there was one new one that he</p> <p>12 got. Yeah. Based on what's listed, I</p> <p>13 would say that he had all of those up to</p> <p>14 that point.</p> <p>15 Q. But wouldn't it be based on you</p> <p>16 seeing evidence of those certifications?</p> <p>17 MR. CLARK: Objection to form.</p> <p>18 A. I likely did at some point in</p> <p>19 time. I don't recall specifics of it.</p> <p>20 Q. Okay. Is that because it was</p> <p>21 not a priority to have evidence of those</p> <p>22 certifications?</p> <p>23 MR. CLARK: Objection to form.</p> <p>24 A. No. It's because that was a</p> <p>25 long time ago.</p>	Page 149

<p>1 M. ROCHE 2 Q. And I don't see the F-89 listed 3 here. Does he have the F-89 right now? 4 A. Yes. 5 Q. How do you know? 6 A. I've seen a copy of that. 7 MS. SELIGER: That was also a 8 document that we requested and that 9 was not produced, so I'll ask that it 10 be produced. 11 MR. CLARK: Okay. Send us a 12 note and we will follow up. 13 MS. SELIGER: Will do. 14 Q. Okay. When you put Joe 15 Pasquarello on a performance improvement 16 plan, you required him to get certain 17 certifications by a certain date; is that 18 correct? 19 A. Yes. 20 Q. And I believe you required him 21 to get the F-1, F-3, F-4, F-7, W-7, S-12, 22 S-13, S-14, S-95, and F-89; is that 23 correct? 24 A. Yes. Some of those he already 25 had, but I just wanted to document the</p>	Page 150	<p>1 M. ROCHE 2 Q. How did you know he made no 3 effort to get certain certifications? 4 A. Because he didn't have them. 5 Q. How did you know he didn't have 6 them? 7 A. When he got them, he -- shortly 8 before his -- shortly before he resigned, 9 he produced a copy of all of his 10 certifications, which was the first time 11 that some of them I had seen. So I know 12 that some of them were new. 13 Q. So it's first time you saw the 14 documentation, so how would you know that 15 he didn't have it? 16 A. Because on the -- 17 MR. CLARK: Hang on. Objection 18 to form. Go ahead, Mike. You can 19 answer. 20 A. On the documentation is a copy 21 of the license. That documentation has 22 the license issue date. 23 Q. Mm-hmm. So you only knew that 24 he didn't have it prior once he actually 25 attained the goal? Is that what</p>	Page 152
<p>1 M. ROCHE 2 fact that they were current and that he 3 had them. 4 Q. So it became very important to 5 you to document the status of his 6 certifications at that time; is that 7 correct? 8 MR. CLARK: Objection to form. 9 A. Can you just ask that question 10 again? 11 Q. Was it important to you to 12 document the status of his certifications 13 at the time you gave him the performance 14 improvement plan? 15 A. So at the start of his 16 employment, he made mention to me that he 17 had all those certifications. I don't 18 know if that's true or not. What I know 19 is that he did not have the F-89 for the 20 bulk of his time here. 21 I mentioned that obviously when 22 we started as well as during his annual 23 appraisal and he made no effort to do 24 that, so I felt it important to document 25 it so that he would follow through.</p>	Page 151	<p>1 M. ROCHE 2 you're saying? 3 MR. CLARK: Objection -- 4 objection to form. 5 A. No. What I'm saying is that 6 some of them were newly -- were newly 7 issued. 8 Q. Mm-hmm. Which ones? 9 A. I'm going to have to look that 10 up. 11 Q. Were you aware that Joe 12 Pasquarello came into the position with a 13 Z-89 certification? 14 MR. CLARK: Objection to form. 15 A. He made mention of that to me 16 and I have never seen it. He told me that 17 he just had to go and take a test. He let 18 it expire and he lost it. He then, after 19 I had given him the -- the performance 20 improvement plan, he took time off of work 21 and he, at Crothall's expense, took a 22 class and they reissued it. 23 So there was a long period of 24 time during his tenure here where, 25 although he says he had it when he came</p>	Page 153

<p>1 M. ROCHE 2 in, he did not have it and it was not 3 valid. 4 Q. So first of all, did Crothall 5 reimburse him for the cost of that class? 6 A. If he submitted an expense 7 report, they would have, yes. 8 Q. Is there -- would there be 9 documentation of that reimbursement? 10 A. If he submitted an expense 11 report, there would be documentation of 12 that expense report. 13 Q. And what is the connection or 14 not between a Z-89 certification and an 15 F-89 certification? 16 A. So my understanding is the Z-89 17 is -- basically says that you took the 18 class and you passed the written test, and 19 the F-89 is after you've taken and passed 20 the on-site practical exam. 21 Q. So you can come into a job with 22 a Z-89 certification, but you can't 23 actually get the F-89 certification until 24 you're in a building; is that correct? 25 A. Correct.</p>	Page 154	<p>1 M. ROCHE 2 naturally expire after a certain period? 3 MR. CLARK: Objection to form. 4 A. Can you restate? 5 Q. It's okay. I'll move on. Who 6 issues the F-89 certification? 7 A. New York City Fire Department. 8 Q. And like you -- you testified 9 earlier that Joe joined Crothall just 10 before COVID hit. Was the fire department 11 testing and issuing certifications during 12 COVID? 13 A. There was a period of time that 14 they were not, but they were still 15 accepting requests and the only way for 16 you to -- if you had submitted that 17 request, they would have put your license 18 so that it wouldn't expire. 19 So they would have allowed even 20 if -- even if the test date, based upon 21 their scheduling availability, was after 22 your expiration, as long as you requested 23 it, they wouldn't require you to go 24 through the course again. 25 In this case, Joe never</p>	Page 156
<p>1 M. ROCHE 2 Q. And didn't you testify earlier 3 that the process of getting an F-89 4 certification is lengthy? 5 A. It is lengthy. The issue that I 6 took with it is that it wasn't requested. 7 Q. What wasn't requested? 8 A. You have to submit a form to 9 request that exam through the fire 10 department. 11 Q. Do you know on what date Joe 12 Pasquarello's certification expired? 13 A. I do not. 14 Q. So how did you know that it was 15 an issue when you wrote that performance 16 plan? 17 MR. CLARK: Objection to form. 18 You can answer. 19 A. How did I know it was an issue? 20 What do you mean by that? 21 Q. How did you know it was expired? 22 A. I asked him if he has the 23 license and he said no, he had allowed it 24 to expire. 25 Q. He allowed it or does it</p>	Page 155	<p>1 M. ROCHE 2 requested it. He allowed the license to 3 expire. He then had to retake the class 4 and retake the test and be issued a new 5 license. 6 Q. And when did you make it clear 7 to Joe that you wanted him to make the 8 request? 9 A. During my interview with him. I 10 said that would it be a problem for him to 11 get his license assigned to the building? 12 He stated that no, he has the license 13 already and it would be simple. 14 Q. Okay. So you asked him if it 15 would be a problem. And when did you 16 direct him to make sure he got that F-89 17 certification? 18 A. On his first day -- 19 MR. CLARK: Objection to form. 20 A. On his first day of employment, 21 we went over expectations. That was one 22 of the expectations. 23 Q. And -- 24 A. During our annual appraisal, we 25 reviewed and I think it's documented on</p>	Page 157

<p>1 M. ROCHE 2 it, we reviewed it and it didn't happen 3 after that. It wasn't until I put it on 4 an improvement plan that he actually 5 followed through with it. 6 Q. When you mentioned getting the 7 certification on his annual review, did 8 you give him a time frame within which to 9 obtain it? 10 A. I don't recall. It certainly 11 would have been within the year prior to 12 the next -- prior to the next annual 13 appraisal. 14 Q. What appraisal are you talking 15 about? 16 MR. CLARK: Objection to form. 17 A. -- appraisal. 18 THE COURT REPORTER: If you 19 could repeat that, Mr. Roche? 20 A. I'm talking about the Crothall 21 annual appraisal. 22 Q. Oh. So you think you would have 23 given him 12 months to get that done? 24 A. Well, that was -- 25 MR. CLARK: Objection to form.</p>	Page 158	<p>1 M. ROCHE 2 certification; is that correct? 3 A. It's not correct. That was a 4 goal. My expectation was that it -- was 5 that it would be completed far before 6 12 months. 7 Q. That -- 8 A. I would have been -- I would 9 have been disappointed had it not been. 10 Q. Although you've testified that 11 you're well aware that this is a lengthy 12 process that could last two years; isn't 13 that correct? 14 MR. CLARK: Objection to form. 15 A. I think I already said that I 16 would have been sufficiently satisfied if 17 the request had been made. 18 Q. So when Joe received a PIP from 19 you, which I believe was in or about June 20 of 2021, it had not been 12 months since 21 his annual review; is that correct? 22 A. Yes. 23 Q. So is it correct that an item on 24 his performance plan was an item that was 25 not yet due to be performed?</p>	Page 160
<p>1 M. ROCHE 2 Sorry, Mike. Objection to form. 3 THE WITNESS: Sorry. 4 MR. CLARK: Go ahead. 5 A. That was a goal on his annual 6 appraisal, to the best of my recollection. 7 Q. And did he get that done within 8 a year? 9 A. He did -- he did get it done 10 after I put it on the improvement plan, so 11 yes, he got it done within a year. 12 Q. Right. But it's not -- you put 13 it on the improvement plan prior to him 14 failing to meet that goal; is that 15 correct? 16 MR. CLARK: Objection to form. 17 A. Yeah. I'm not sure I 18 understand. 19 Q. Meaning in -- at the end of 2020 20 when you provided him an annual review and 21 gave him 12 months to get the F-89 22 certification -- sorry. At the end of 23 2020, I imagine at some point you gave him 24 an annual review and you gave him about a 25 year to get that F-89 training or</p>	Page 159	<p>1 M. ROCHE 2 MR. CLARK: Objection to form. 3 You can answer it again. 4 A. Could you ask the question 5 again? 6 Q. In June of 2021, had Joe 7 Pasquarello missed the deadline you had 8 set for him to obtain his F-89 9 certification? 10 A. There was no deadline presented. 11 It was a goal and an expectation, but 12 there was no documented deadline. My 13 expectation was that it would have been 14 completed before having to put him on an 15 improvement plan. My expectation is it 16 would have been completed quickly. 17 Q. And aside from Joe's first day 18 at work, did you communicate your desire 19 that he have that certification at other 20 times? 21 MR. CLARK: Objection to form. 22 A. I would say we regularly talked 23 about it. 24 Q. Was it on the agendas for your 25 one-on-one meetings?</p>	Page 161

<p>1 M. ROCHE 2 A. Joe produces the agendas so I 3 don't believe he included it in the 4 agendas, but it was certainly discussed. 5 Q. Did you ever e-mail him about 6 getting that certification? 7 A. I don't recall. 8 Q. But it sounds like you felt it 9 was very important that it be up to date? 10 MR. CLARK: Objection to form. 11 A. It's important that a manager 12 has the certifications within their 13 fields. 14 Q. Okay. Do you know -- I'm going 15 to switch over. Do you know who Joe 16 Jurain is? 17 A. Yes. 18 Q. Do you know approximately how 19 old he is? 20 A. I would say he's in his fifties, 21 but no, I don't know exactly. 22 Q. What is his current job? 23 A. He is a Fire Safety manager at 24 Mount Sinai Queens. 25 Q. Is that a facility that you are</p>	Page 162	<p>1 M. ROCHE 2 Q. And did he talk to you about his 3 efforts to counsel -- informally counsel 4 Joe Jurain? 5 A. I believe so. We had very 6 similar discussions as the Matt Bond 7 discussions. There was a lot of back and 8 forth, but also a lot of -- a lot of -- a 9 lot of ambiguity. He had issues, but had 10 a difficult time specifying exactly what 11 those issues were. 12 Q. Joe had issues or -- I'm sorry. 13 They're both Joe. Joe Jurain had issues 14 with specifying or -- 15 A. I'm sorry -- I'm sorry. I meant 16 Joe Pasquarello had issues specifying 17 exactly what problems he was having with 18 Joe Jurain, but he did make clear that 19 he -- that Joe Jurain was not meeting his 20 expectations. 21 Q. And did Joe Pasquarello 22 ultimately issue Joe Jurain a progressive 23 counseling or a performance plan? 24 A. Yes, he did. 25 Q. Did you support that move?</p>	Page 164
<p>1 M. ROCHE 2 in charge of? 3 A. Yes. 4 Q. And what was his prior position? 5 A. He was a -- either a Mount Sinai 6 Fire Safety manager or supervisor. I 7 can't quite recall, but he worked in the 8 Fire Safety Department at Mount Sinai 9 Hospital under Joe. 10 Q. And did he work for Joe's 11 predecessor as well? 12 A. Joe -- Joe's predecessor was 13 Matt Bond. I don't recall whether or not 14 he started shortly after or shortly 15 before. I do know that he was employed 16 when Joe got here. 17 Q. Okay. And how was his 18 performance in his role at the Mount Sinai 19 Hospital Fire Safety Department? 20 A. There were issues with his 21 performance. 22 Q. And how are -- how do you know 23 that? 24 A. Joe told me. Joe Pasquarello 25 told me.</p>	Page 163	<p>1 M. ROCHE 2 A. I felt it was the right move at 3 the time based upon the information that I 4 was being given. 5 Q. And I'm sorry. Did Joe 6 Pasquarello issue Joe Jurain a PIP or a 7 progressive counseling? 8 A. I know that he issued him a PIP. 9 I'm not sure whether or not there was a 10 counseling associated with that. 11 MS. SELIGER: We've called for 12 the production of that PIP. It was 13 not produced, so I'm going to call 14 that it be produced. 15 Q. Do you know if Joe Jurain 16 completed that performance improvement 17 plan? 18 A. I don't know if he completed it. 19 Ultimately, it was resolved by Joe 20 transferring and applying to and accepting 21 a position within Mount Sinai Queens. 22 And, again, that's Joe Jurain. 23 Q. Who suggested that he transition 24 to the other hospital? 25 A. So he was given a performance</p>	Page 165

<p>1 M. ROCHE 2 improvement plan. Based upon my 3 recollection, I think we had gotten to a 4 point where it seemed like he was not -- 5 he was still not able to achieve all the 6 aspects of that plan and that his workload 7 was more than he could handle. 8 And we had discussions with Bob 9 Shaffer and Chris Hariegel on what the 10 best course of action would be for him. 11 He did have a lot of good qualities and he 12 had some bad qualities. And, ultimately, 13 I believe it was Chris that made the 14 suggestion why not try him at a smaller 15 site where it would be more manageable and 16 a lot less going on. 17 Q. Was Joe Pasquarello involved in 18 those conversations? 19 A. Some of them, he was involved 20 in. Some of them, he was not involved in. 21 Q. Did Joe Pasquarello ever suggest 22 that Joe Jurain be transferred to a 23 smaller facility? 24 A. I don't recall. It certainly 25 wasn't an idea that he initiated, but he</p>	Page 166	<p>1 M. ROCHE 2 A. Primarily, he was responsible 3 for directly overseeing the Fire Safety 4 marshals, the Mount Sinai staff, and 5 basically managing day-to-day operations, 6 issuing hot-work permits, accepting and 7 approving shutdown requests with input 8 from other members of Fire Safety and 9 Engineering, and then just any -- any 10 other task assigned to him by Joe 11 Pasquarello. 12 Q. Was he a full-time employee? 13 A. He was. 14 Q. Okay. And do you know who 15 Omelfi Garcia is? 16 A. Yes. 17 Q. Did she ever work in the Fire 18 Safety Department at Mount Sinai Hospital? 19 A. Yes. 20 Q. Do you recall approximately when 21 she did that? 22 A. Yes. Again, it was under Joe's 23 tenure and I recall that she started -- it 24 would have been 2021, probably shortly 25 after Kanterman, I believe.</p>	Page 168
<p>1 M. ROCHE 2 may have heard it from Bob and then 3 brought it up to me. 4 Q. Do you know who Ron Kanterman 5 is? 6 A. I do. 7 Q. And what was -- was he an 8 employee at Crothall? 9 A. Yes, he was. 10 Q. What was his role? 11 A. He was a Fire Safety super -- 12 (Court reporter had connection 13 issues.) 14 A. I would -- 15 THE COURT REPORTER: Folks -- I 16 apologize, folks. My connection 17 froze. I will read what I have so 18 far, and then we'll go from there. 19 (Previous testimony was read.) 20 THE COURT REPORTER: And that's 21 where it cut out. 22 A. Sure. So just to finish that, 23 he was a Fire Safety supervisor. 24 Q. As a Fire Safety supervisor, 25 what were his responsibilities?</p>	Page 167	<p>1 M. ROCHE 2 Q. Okay. And when do you believe 3 she left? 4 A. She left either just before or 5 just after Kanterman. 6 Q. Okay. Was Ron Kanterman 7 replacing anyone when he joined Fire 8 Safety? 9 A. I don't recall. Over -- over 10 that, you know, three-year period, there 11 were a lot of transitions of who went in 12 and out and what levels they were and, you 13 know, I can't remember specifics. 14 Q. Did Joe Jurain manage the fire 15 marshals and fire staff before Ron 16 Kanterman got there? 17 MR. CLARK: Objection to form. 18 You can answer. 19 A. Joe Jurain had some role in 20 managing fire marshals. He did -- he did 21 a lot of other things. At that point in 22 time, I believe that was when Matt Bond 23 and Joe Jurain were still working under 24 Joe Pasquarello. 25 And Joe Pasquarello really</p>	Page 169

<p>1 M. ROCHE 2 didn't do a great job with defining roles 3 and responsibilities, which is why there 4 was a lot of jumping around and people 5 taking on new things and -- and basically 6 tasks not getting completed. There was a 7 lot of mismanagement. I would say, 8 primarily, Joe Jurain did manage the fire 9 marshals at that point. 10 Q. And did anyone manage the fire 11 marshals between the time Joe Jurain left 12 and the time Ron Kanterman came in? 13 A. I don't remember the length of 14 time, but I mean, certainly the answer is 15 yes. Somebody managed them. All of that 16 falls under Joe Pasquarello, so Joe 17 Pasquarello probably had a piece of that. 18 And, again, I don't remember 19 specifically the date of when Matt Bond 20 left the department, but, really, 21 throughout the whole -- his whole tenure, 22 it was -- it was up to Joe to determine 23 who was going to do what. 24 Q. So if he had no managers for any 25 period of time, would that mean that he</p>	Page 170	<p>1 M. ROCHE 2 MR. CLARK: Objection to form. 3 A. -- mean by "expert"?" 4 Q. Well, I'm just wondering how 5 Bobby Denver or Doug Rome or John Barton 6 can assist with fire safety related 7 duties? 8 MR. CLARK: Objection to form. 9 You can answer. Well, is that a 10 question? Is the question how did 11 they assist or you're wondering how 12 they assisted? 13 MS. SELIGER: I'm questioning 14 how they assisted. 15 MR. CLARK: Objection to form. 16 You can answer. 17 A. So starting with John Barton, 18 he's got about 40 years of experience. He 19 is certainly more qualified and 20 knowledgeable even in Fire Safety than Joe 21 Pasquarello is without any doubt. He 22 holds a number of licenses. He 23 independently managed multiple programs at 24 other hospitals prior to his time here. 25 So there's no question in my mind or</p>	Page 172
<p>1 M. ROCHE 2 was managing the fire marshals? 3 A. Yes, I -- I believe so. During 4 that time, he had a lot of assistance from 5 other engineering managers because I think 6 we acknowledged, you know, for that short 7 period of time, he was short-staffed. 8 Q. Are you referring to the period 9 of time between Joe Jurain leaving and Ron 10 Kanterman coming in? 11 A. There was a period of time where 12 Joe was the only person within the Fire 13 Safety Department. That's the period of 14 time I'm referring to. 15 Q. So which people are you saying 16 were assisting him at that time? 17 A. So I personally did a lot more 18 than I should have for the department. I 19 know that Bobby Denver was a big supporter 20 and assisted him in a lot of ways with 21 scheduling and dealing with vendors. Doug 22 Rome had some role in that. John Barton 23 assisted him quite a bit. 24 Q. I mean, those guys are not Fire 25 Safety experts; is that correct?</p>	Page 171	<p>1 M. ROCHE 2 anyone else's that he would be more 3 qualified than Joe. 4 When it comes to Bobby Denver 5 and Doug -- Doug Rome, both of them are -- 6 are engineering graduates with more 7 hospital experience than Joe Pasquarello 8 has. Both of them are far more 9 knowledgeable in many of the different 10 systems than Joe Pasquarello ever was. So 11 I think it's fairly easy to determine how 12 they assisted. 13 Q. What systems are you talking 14 about? 15 A. Joe did not have a great 16 understanding of the types of testings at 17 times and how to complete them, and he 18 needed assistance coordinating and 19 arranging that type of work and that's the 20 assistance that was provided. 21 Q. Didn't you say you have a 22 platform or technology that tells managers 23 what maintenance and testing needs to get 24 done? 25 MR. CLARK: Objection to form.</p>	Page 173

<p>1 M. ROCHE 2 A. Yes. 3 Q. So did these people that you 4 mentioned do any of the work that you 5 deemed part of Joe Pasquarello's job 6 responsibilities? 7 A. Yes. 8 Q. Which tasks did they do that 9 were part of Joe's actual 10 responsibilities? 11 A. John Barton conducted all of the 12 annual fire pump flows and repairs. Bobby 13 Denver assisted with -- Bobby and Doug 14 both assisted with getting Pyro. Doug 15 specifically -- sorry. Pyro -- PyroSignal 16 is a vendor. I started saying Pyro, but 17 PyroSignal is the fire alarm vendor. 18 Bobby Denver assisted with 19 coordinating them and expediting schedules 20 for certain testing. Doug Rome 21 coordinated elevator testing, which is -- 22 has a fire alarm component. 23 Q. And you said John Barton worked 24 with the -- he managed the repairs and 25 flows for fire pumps; is that what you</p>	Page 174	<p>1 M. ROCHE 2 MR. CLARK: Objection to form. 3 A. Usually it's an engineer that 4 would recommend those types of repairs and 5 the contractor follows the direction the 6 engineer gives. 7 Q. So you hired Joe knowing he's 8 not an engineer; is that correct? 9 A. I didn't -- yes, that's correct. 10 Joe is not an engineer. 11 Q. Okay. 12 MR. CLARK: Leah, at a 13 convenient time, can we take a break? 14 MS. SELIGER: Yes. Let me look. 15 We can take a break now. 16 MR. CLARK: Okay. Off the 17 record for a moment. 18 (A discussion was held off the 19 record.) 20 (A lunch recess was taken from 21 2:30 p.m. until 3:16 p.m.) 22 MS. SELIGER: All right. So 23 we're back on the record. 24 Q. I wanted to just finish 25 addressing some things we were talking</p>	Page 176
<p>1 M. ROCHE 2 said? 3 A. Yes. So there's an annual 4 requirement to test your fire pumps and 5 achieve a certain flow rate. He managed 6 that program as well as correcting any 7 deficiencies. Historically, that was a 8 Fire Safety program, but one that Joe was 9 not able to adequately manage. 10 Q. So was Joe meant to repair the 11 fire pumps or test them himself? 12 A. Himself? 13 Q. Yeah. 14 A. No. 15 Q. So what -- what did John Barton 16 do that Joe Pasquarello should have done? 17 A. Joe didn't have the background 18 to understand what types of repairs were 19 needed and how to achieve those repairs. 20 He couldn't -- he couldn't adequately 21 describe it to a contractor. So John 22 Barton took that on and did that role; 23 ultimately repaired them. 24 Q. Doesn't a contractor know what's 25 involved with those tests and repairs?</p>	Page 175	<p>1 M. ROCHE 2 about just before the break. 3 Did you testify earlier that 4 John Barton took over testing and 5 maintenance of the fire pumps at some 6 point during Joe Pasquarello's tenure? 7 A. Well, I think I said that I 8 assisted him -- that he assisted him. 9 Historically, it was always a Fire Safety 10 function. It's obviously a Fire Safety 11 system that serves all the sprinklers. 12 John did get involved and was managing 13 that program for some time. 14 Q. So when you say "managing that 15 program," was managing that program 16 supposed to be Joe Pasquarello's job? 17 A. Yes. 18 Q. Sorry. Did you say yes? 19 A. Yes. 20 Q. Okay. And prior to Joe 21 Pasquarello's tenure, who managed the 22 program of testing and maintenance of the 23 fire pumps? 24 A. Fire Safety. 25 Q. Which individual human being was</p>	Page 177

<p>1 M. ROCHE 2 the one doing it? 3 A. I don't recall. You know, going 4 back as far as 2013 through 2015, it was 5 always in Fire Safety. Bob Shaffer did it 6 and Bill VanWart did it. Matt Bond may 7 have done it. I don't know at what point 8 it transitioned into a Plant activity. 9 Q. How about in 2019 just before 10 Joe Pasquarello joined Crothall? Who was 11 managing the testing and maintenance of 12 fire pumps? 13 A. I don't know. Again, sometime 14 between -- between, like, 2017 and 2021, 15 it had become managed by Plant. But 16 historically, it was always a Fire Safety 17 function. 18 Q. So was it not a Fire Safety 19 function in October of 2019 when Joe 20 Pasquarello joined? Is that what you're 21 saying? 22 A. I don't know who was managing it 23 at that time. It -- the fact of the 24 matter is that it is a Fire Safety device 25 and should be managed by the Fire Safety</p>	Page 178	<p>1 M. ROCHE 2 Q. Who had that expectation? 3 A. I did. 4 Q. You did? So you said sometime 5 between 2017 and 2021, that responsibility 6 was put with Plant, but you had always 7 expected to return it to Fire Safety? 8 A. Yes. Every other hospital 9 across the system is -- it is managed by 10 Fire Safety. It's a fire pump, so it's 11 Fire Safety managed. 12 There was a period of time here 13 where people had a lot of issues getting 14 the corrections done and figuring out how 15 to correct it and other people had to step 16 in to resolve that issue, and it is now 17 back in the hands of Fire Safety. 18 Q. Which individual person is 19 managing the testing and maintenance of 20 the fire pumps now? 21 A. Right now, it's the director of 22 fire safety, which is Bernie Nuñez. 23 Q. And I think you mentioned that 24 sometime between 2017 and 2021, that role 25 was moved to Plant. Is that the area that</p>	Page 180
<p>1 M. ROCHE 2 Department. 3 Q. I understand you think it should 4 be managed by the Fire Safety Department, 5 but who was managing the testing and 6 maintenance of fire pumps before Joe 7 Pasquarello? And I don't mean ancient 8 history. I mean in 2019, let's say three 9 months before Joe Pasquarello joined, who 10 was the individual who was managing that 11 program? 12 MR. CLARK: Objection to form. 13 You can answer. 14 A. So you did ask me that I think 15 same question, and I answered to the best 16 of my ability already. I don't have any 17 additional information. 18 Q. So I'm sorry. I forgot what you 19 said. Can you just repeat your answer? 20 A. Sure. So I said sometime 21 between 2017 and 2021, that function was 22 performed by Plant maintenance as opposed 23 to fire safety, but with the expectation 24 that it would always transition and should 25 be managed by the fire safety group.</p>	Page 179	<p>1 M. ROCHE 2 John Barton controls? 3 A. Yes. 4 Q. Can you narrow down that time 5 frame? It seems to be significant. 6 MR. CLARK: Objection to form. 7 I think you've answered this three 8 times now. If you can answer it 9 again, go for it. 10 MS. SELIGER: The answer keeps 11 changing. 12 MR. CLARK: It's not. It's been 13 2017 to 2021 three times, but go 14 ahead, Mike. Answer the question. 15 MS. SELIGER: Well, here. Why 16 don't I -- why don't I ask it again in 17 -- in a more specific way? I think I 18 did this once. 19 Q. I'm only asking you who was 20 managing the testing and maintenance of 21 fire pumps in 2019? Not any time before 22 it; just 2019? 23 MR. CLARK: Objection to form. 24 Asked and answered. You can answer 25 again.</p>	Page 181

<p>1 M. ROCHE 2 A. I don't have any more 3 information to add to my previous answer. 4 Q. I don't think you ever said who 5 was managing this program in 2019. 6 MR. CLARK: He told you -- hang 7 on, Mike. He told you that sometime 8 between 2017 and 2021, he doesn't 9 remember, it switched. There's no -- 10 I mean, we can keep asking the same 11 question. His memory is not going to 12 change in a four-minute period, so I 13 suggest we move on. This -- 14 MS. SELIGER: Are you -- 15 MR. CLARK: -- is getting 16 harassing already. No. I'm repeating 17 his testimony that he's given you now 18 four or five times. 19 MS. SELIGER: Okay. It doesn't 20 sound exactly like what Mr. Roche 21 said, so I'll just confirm what I 22 heard. 23 Q. In 2019, Plant was testing -- 24 was managing the testing and maintenance 25 of the fire pumps?</p>	<p>Page 182</p> <p>1 M. ROCHE 2 A. I remember when I started here 3 in 2013, it was being done by the Fire 4 Safety group, and it's being done by the 5 Fire Safety group at every other hospital 6 that I now oversee. 7 Q. That's interesting. 8 MR. CLARK: Is that a question? 9 MS. SELIGER: No. That's not a 10 question. 11 MR. CLARK: Okay. We don't need 12 to address what's interesting then. 13 Q. Who was managing the fire pump 14 testing and maintenance in 2014, to the 15 best of your recollection? 16 A. Well, if we go down this path, I 17 think I already said sometime between 2017 18 and 2021, it transitioned. Prior to 2017, 19 it was being managed by Fire Safety. 20 Q. Okay. So sometime in the period 21 between 2017 and 2021, you believe that 22 the management of that program moved from 23 Fire Safety to Plant and you cannot 24 pinpoint which year; is that correct? 25 MR. CLARK: Objection to form.</p>
<p>1 M. ROCHE 2 MR. CLARK: Objection to form. 3 You can answer. 4 A. Was that a question or was that 5 a statement? 6 Q. I'm asking if that is an 7 accurate understanding of what you said? 8 A. So, again, I don't know the 9 specific date. I think I said that a 10 number of times, but I would not be 11 surprised if that is the case. 12 Q. Are you involved at all in the 13 testing and maintenance of the fire pumps? 14 A. Not directly, but it does fall 15 under my purview. 16 Q. So don't you know who's managing 17 that program at any given time? 18 MR. CLARK: Objection to form. 19 A. My priority is that the testing 20 gets completed, and if there are issues, 21 they're addressed. My priority is not to 22 remember who does what testing when. 23 Q. But you remember who was doing 24 it in 2013; is that correct? 25 MR. CLARK: Objection to form.</p>	<p>Page 183</p> <p>1 M. ROCHE 2 This is time six. Go ahead. 3 A. I don't have the exact date that 4 that transition occurred. That's correct. 5 Q. And as recently as 2019, you 6 don't know the individual who was managing 7 that program? 8 MR. CLARK: Objection to form. 9 Asked and answered. 10 A. Yeah. I have answered that. I 11 have nothing else to add. 12 Q. Do you remember who was the 13 assistant director of fire safety in 2019? 14 A. Yes. 15 Q. Who was that? 16 A. Matt Bond. 17 Q. And who else was in the Fire 18 Safety Department at that time? 19 A. I'd have to look back on the T 20 of O, but I believe it was Joe Jurain. 21 Q. So if Fire Safety was managing 22 the fire pump maintenance and testing, 23 would it have been one of those two 24 people? 25 MR. CLARK: Objection to form.</p>

<p style="text-align: right;">Page 186</p> <p>1 M. ROCHE 2 A. If Fire Safety had been managing 3 it at that time, yes, it would have been 4 one of the two people in the Fire Safety 5 Department. 6 Q. And if it was already a Plant 7 responsibility, who would have been 8 managing that? 9 MR. CLARK: Objection to form. 10 A. If it had been moved to Plant, 11 it would have been under John Barton or 12 his designee. 13 Q. Okay. Did you allege that that 14 responsibility was definitively Joe 15 Pasquarello's and it was taken from him 16 because of his bad management? 17 MR. CLARK: Objection to form. 18 A. I don't recall having that 19 statement -- saying that statement. I do 20 recall having discussions of who should be 21 managing the fire pump program, and I did 22 make clear that everywhere else and in my 23 mind, that should be a role of Fire 24 Safety. 25 Q. You remember having those</p>	<p style="text-align: right;">Page 188</p> <p>1 M. ROCHE 2 MS. SELIGER: Or, actually, can 3 you read Mr. Roche's previous answer 4 and then the question that followed? 5 THE COURT REPORTER: Yes. One 6 moment, please. 7 (Requested testimony was read.) 8 MS. SELIGER: Okay. Thank you. 9 Q. When did you have a conversation 10 with Joe Pasquarello that you wanted him 11 to take over the responsibility for 12 managing the maintenance and testing of 13 the fire pumps? 14 A. I can't pinpoint the specific 15 date. I know that it occurred multiple 16 times. I know that it occurred probably 17 related to the upcoming annual testing, 18 but off the top of my head, I don't know 19 when that is. 20 Q. Which annual testing are you 21 talking about? 22 A. The fire pump annual testing. 23 Q. What month does that happen in? 24 A. I don't know off the top of my 25 head.</p>
<p style="text-align: right;">Page 187</p> <p>1 M. ROCHE 2 conversations with who? 3 A. I remember having that 4 conversation with Joe Pasquarello. I also 5 remember having that conversation with 6 John Barton and that was John Barton's 7 feeling as well. 8 Q. So approximately when did you 9 have that conversation? 10 A. Sometime between 2017 and 2021. 11 Q. You -- I'm sorry. I'm -- I'm 12 asking you -- you had a conversation with 13 John Barton about the need for that 14 responsibility to be with Joe Pasquarello 15 in 2017? 16 MR. CLARK: Objection to form. 17 Q. Can you clarify your answer? 18 A. Say that again? 19 Q. Can you clarify your answer? 20 MR. CLARK: What -- what answer 21 are we clarifying? 22 MS. SELIGER: Melissa, do you 23 mind reading back the question? 24 THE COURT REPORTER: One moment, 25 please.</p>	<p style="text-align: right;">Page 189</p> <p>1 M. ROCHE 2 Q. So how long before that testing 3 do you think you spoke to Joe Pasquarello 4 about taking over that responsibility? 5 A. I would say within two months 6 before. As soon as we realized it was 7 upcoming when we started to plan for that 8 event. 9 Q. And you told him -- what did you 10 tell him? 11 A. I don't remember specifics of 12 the conversation. I don't remember the 13 date. I remember making clear my feelings 14 that that task should fall under the 15 purview of Fire Safety. 16 Q. Do you remember which year it 17 was? 18 A. No. 19 Q. Do you think it was within the 20 first two months of his employment? 21 A. I don't know. 22 Q. Did it ever become his 23 responsibility to manage the testing of 24 the fire pumps? 25 A. I don't recall when it</p>

<p>1 M. ROCHE 2 transitioned back to Fire Safety. I can 3 tell you that it is currently with Fire 4 Safety.</p> <p>5 Q. So you can't remember if it ever 6 was Joe Pasquarello's responsibility to 7 manage --</p> <p>8 MR. CLARK: Objection to form.</p> <p>9 Q. To manage the testing and 10 maintenance of the fire pumps; is that 11 correct?</p> <p>12 MR. CLARK: Sorry. I jumped the 13 gun. Objection to form.</p> <p>14 A. Well, it was always Joe 15 Pasquarello's responsibility. It's a life 16 safety device. It's a fire suppression 17 system. It falls with -- under the job 18 description of a Fire Safety manager, 19 assistant director, director. Who -- 20 whatever level, it falls squarely within 21 the Fire Safety Department.</p> <p>22 Q. Do the fire pumps also involve 23 water?</p> <p>24 A. Yes.</p> <p>25 Q. What departments deal with the</p>	Page 190	Page 192
<p>1 M. ROCHE 2 water aspect of the fire pumps?</p> <p>3 A. Of the fire pumps? Fire Safety.</p> <p>4 Q. Who works on those fire pumps?</p> <p>5 Who does the actual work?</p> <p>6 A. Our fire suppression company.</p> <p>7 Q. What company is that?</p> <p>8 A. Lund.</p> <p>9 THE COURT REPORTER: Can you 10 repeat that, sir? I'm sorry.</p> <p>11 THE WITNESS: Yes. Lund, 12 L-U-N-D.</p> <p>13 THE COURT REPORTER: Thank you.</p> <p>14 A. And they have a contract with us 15 under PyroSignal. They're a subcontractor 16 of PyroSignal.</p> <p>17 Q. Okay.</p> <p>18 MS. SELIGER: Sorry. Melissa, 19 can you read me back my last question?</p> <p>20 (Requested testimony was read.)</p> <p>21 Q. Do you ever have in-house 22 technicians working on the fire pumps?</p> <p>23 A. In-house technicians will 24 perform the testing of them sometimes, 25 although the annual testing is performed</p>	Page 191	Page 193

<p>1 M. ROCHE</p> <p>2 Q. And if there's a plumbing issue</p> <p>3 with the fire pumps, what kind of</p> <p>4 technician would be sent to --</p> <p>5 A. If it's a plumbing issue, a</p> <p>6 plumber would be sent.</p> <p>7 Q. And who would that plumber</p> <p>8 report to?</p> <p>9 A. The plumber would report to the</p> <p>10 plumbing manager.</p> <p>11 Q. And who is that?</p> <p>12 A. That's Joe Ecklof.</p> <p>13 Q. And who does he report to?</p> <p>14 A. He reports to Ron Cordier.</p> <p>15 Q. I'd like to go to Exhibit 16.</p> <p>16 MS. SELIGER: I'm marking this</p> <p>17 Exhibit 16. It is Bates stamped D670</p> <p>18 to D678.</p> <p>19 [The document was hereby marked</p> <p>20 as Plaintiff's Exhibit 16 for</p> <p>21 identification, as of this date.]</p> <p>22 Q. Yeah. Let me know when you have</p> <p>23 it in front of you.</p> <p>24 A. I'm looking at it now.</p> <p>25 Q. Does this look like a letter</p>	Page 194	<p>1 M. ROCHE</p> <p>2 Do you see that?</p> <p>3 A. I do, yes.</p> <p>4 Q. Is this sentence referring to</p> <p>5 in-house plumbers?</p> <p>6 A. Yes.</p> <p>7 Q. Sorry. I'm going to just back</p> <p>8 up. I want to -- above the greeting, do</p> <p>9 you see where it says, "Reference: Recent</p> <p>10 Testing Issues"?</p> <p>11 A. Yes.</p> <p>12 Q. And then in the first sentence,</p> <p>13 it refers to, "Hydrostatic testing of the</p> <p>14 combination sprinkler systems." Do you</p> <p>15 see that?</p> <p>16 A. Yes.</p> <p>17 Q. Is this letter related to fire</p> <p>18 pump testing?</p> <p>19 A. It's related, yes. It is not</p> <p>20 the same, but it is related.</p> <p>21 Q. On the second page, let's look</p> <p>22 at -- you see Paragraph 3D? It starts:</p> <p>23 "It was determined that we would</p> <p>24 not be testing on Monday and the day would</p> <p>25 be spent by the plumbers who would do a</p>	Page 196
<p>1 M. ROCHE</p> <p>2 from the vendor you recently mentioned</p> <p>3 called PyroSignal?</p> <p>4 A. Yes, it does.</p> <p>5 Q. And do you see notes in the</p> <p>6 margins?</p> <p>7 A. Yes, I do.</p> <p>8 Q. Are those notes in your</p> <p>9 handwriting?</p> <p>10 A. Yes.</p> <p>11 Q. Do you see halfway through the</p> <p>12 first paragraph, part of the sentence is</p> <p>13 highlighted; that the beginning of the</p> <p>14 sentence begins, "I trust that you will</p> <p>15 recall"? Do you see that sentence?</p> <p>16 A. Yeah. You said halfway through</p> <p>17 the first paragraph?</p> <p>18 Q. Yeah. On the left. It's right</p> <p>19 near the handwritten notes. The sentence</p> <p>20 reads:</p> <p>21 "I trust that you will recall</p> <p>22 that these tests were scheduled for the</p> <p>23 3rd of September, but were cancelled due</p> <p>24 to the plumber's inability to supply</p> <p>25 personnel."</p>	Page 195	<p>1 M. ROCHE</p> <p>2 test drain down of all the remaining</p> <p>3 systems. We rescheduled the balance of</p> <p>4 our men for Monday and left two on site to</p> <p>5 work with the plumbers."</p> <p>6 Is that, again, referring to</p> <p>7 Crothall's in-house plumbers?</p> <p>8 A. Crothall does not have any</p> <p>9 in-house plumbers. You might be referring</p> <p>10 to Mount Sinai staff. We do have Mount</p> <p>11 Sinai plumbers, and this is a reference to</p> <p>12 what he's talking about where it says they</p> <p>13 "left two," I assume talking about</p> <p>14 technicians, but the technicians they're</p> <p>15 talking about are Lund employees. Those</p> <p>16 are the people that -- directing the work</p> <p>17 or advising our plumbers on what valve to</p> <p>18 shut and where.</p> <p>19 Q. Okay. And who manages the Mount</p> <p>20 Sinai plumbers? Do they report to</p> <p>21 Crothall employees?</p> <p>22 MR. CLARK: Objection to form.</p> <p>23 A. So the plumbers are managed by</p> <p>24 the plumbing manager, whose name is Joe</p> <p>25 Ecklof, who is a Crothall employee, yes.</p>	Page 197

50 (Pages 194 - 197)

<p>1 M. ROCHE</p> <p>2 Q. If you look on the next page, 3 Paragraph 4. This is the page Bates 4 stamped 672. It says -- do you see where 5 it says, "We arrived on site"?</p> <p>6 A. Yes.</p> <p>7 Q. So it says: 8 "We arrived on site with two 9 (three) men to work with the plumbing 10 department to implement the drain downs to 11 confirm the drain down capability of each 12 of the systems. Mount Sinai plumbing 13 department for some reason was unprepared 14 to perform these drain downs."</p> <p>15 Do you know if anyone was 16 disciplined regarding that failure to be 17 prepared for the drain downs?</p> <p>18 A. Failure to be prepared for the 19 drain downs was a failure on the part of 20 Joe Pasquarello, based on what I 21 recollect.</p> <p>22 Q. Is -- why is that? Does he 23 manage the plumbers?</p> <p>24 MR. CLARK: Objection to form. 25 You can answer both questions.</p>	Page 198	<p>1 M. ROCHE</p> <p>2 necessary parties in order to conduct that 3 testing.</p> <p>4 Q. Do -- does the plumbing 5 supervisor or manager -- I keep forgetting 6 his name. What was his name?</p> <p>7 A. His name was Joe -- his name was 8 Joe Ecklof.</p> <p>9 Q. Does Joe Ecklof communicate at 10 all with PyroSignal or Lund?</p> <p>11 A. No.</p> <p>12 Q. Is Joe Ecklof notified if 13 PyroSignal or Lund are working on the fire 14 pumps?</p> <p>15 A. If Joe Pasquarello notifies him.</p> <p>16 Q. Is that his only way of finding 17 out about work being done?</p> <p>18 A. So Lund and PyroSignal do not 19 just show up when they feel like it. They 20 show up when they're told to come or told 21 to be there by a certain date by Joe 22 Pasquarello or somebody in Fire Safety.</p> <p>23 Q. Okay.</p> <p>24 A. So it's also that manager's 25 responsibility to notify any parties that</p>	Page 200
<p>1 M. ROCHE</p> <p>2 A. Sure. So your question is does 3 Joe Pasquarello manage the plumbers?</p> <p>4 Q. Yes.</p> <p>5 A. This is the third time now that 6 I'm informing you that Joe Ecklof manages 7 the plumbers. Joe Pasquarello is 8 responsible for the scheduling of these 9 tests, and he did not inform, at this 10 point, the -- any of the internal plumbers 11 that the testing was going to occur.</p> <p>12 Q. Why didn't the plumbers' 13 supervisor inform them?</p> <p>14 A. Because Lund and PyroSignal do 15 not work for the plumbing supervisor. 16 They work for Joe Pasquarello.</p> <p>17 Q. So is it your belief that they 18 were unprepared because Joe didn't -- is 19 it your belief the plumbers were 20 unprepared because Joe Pasquarello didn't 21 tell them to be prepared?</p> <p>22 A. My belief is that Joe 23 Pasquarello did not understand the scope 24 of the testing that he had approved to 25 happen and he did not communicate with any</p>	Page 199	<p>1 M. ROCHE</p> <p>2 they need assistance on specifically what 3 the scope is, specifically what they need 4 assistance on, when it will occur, and 5 confirm that there's manpower associated 6 with that in order to complete the task.</p> <p>7 Q. On the next page or it's page 8 four, it's Bates stamped 673. At the 9 beginning of Paragraph 5, do you see that 10 -- do you see where it says, "We arrived 11 on site and met with Mr. Matthew Bond"?</p> <p>12 A. Yes.</p> <p>13 Q. And then in the next numbered 14 paragraph, do you see where it says, "We 15 arrived on site and met with Mr. Bond," 16 again?</p> <p>17 A. Yes.</p> <p>18 Q. Was Mr. Bond managing the 19 particular project that this letter is 20 addressing?</p> <p>21 A. This letter is addressed to Joe 22 Pasquarello. I don't recall at that -- on 23 that date who reported to who, but 24 ultimately, the responsibility is Joe 25 Pasquarello. If he directs one of his</p>	Page 201

<p>1 M. ROCHE 2 employees to assist, that's certainly 3 allowable, but it is his role to ensure 4 that it gets completed appropriately. 5 Q. Does it look like -- so are you 6 saying this project was managed by Joe 7 Pasquarello at the time? 8 MR. CLARK: Objection to form. 9 A. I'm saying the letter's directed 10 to Joe Pasquarello, so in my mind, that's 11 a clear fact that -- that clearly shows 12 that he was in charge of that project. 13 Q. Are you -- 14 A. He might have had assistance 15 from other managers. Joe Ecklof was 16 probably one of them. Matt Bond was 17 probably one of them. Anybody else listed 18 in this document was probably one of them, 19 but the letter was written to Joe 20 Pasquarello. 21 Q. I understand it was written to 22 Joe Pasquarello, but are you inferring 23 that he was managing this project just by 24 the reading? 25 MR. CLARK: Objection to form.</p>	Page 202	<p>1 M. ROCHE 2 it was a long time ago. I don't know to 3 what level of involvement I had in it, but 4 I do, as I read this, I do recall the work 5 and I do recall it occurring. I was 6 certainly not in a role that was directing 7 the work, but I was advised of it at the 8 time and supplying my feedback as 9 necessary. 10 Q. How often do you think you 11 supplied feedback about this project? 12 A. I don't understand. At what 13 point? 14 Q. How -- was this a long-term 15 project or was it -- I'll leave it at 16 that. Was it a long-term project? 17 A. It looks like, based on what I'm 18 reading, it was multiple days. 19 Q. So how many times do you 20 remember being consulted about it or 21 informed about it during these days? 22 A. Certainly multiple times. 23 Probably at least once a day. 24 Q. So you must have known who was 25 managing it then; is that not correct?</p>	Page 204
<p>1 M. ROCHE 2 A. Well, I guess what I'm stating 3 is that Joe Pasquarello at that point was 4 the highest ranking manager within Fire 5 Safety. He was the person who -- whose 6 responsibility it was to manage these 7 vendors, Lund and PyroSignal, and he's the 8 person who should be aware of whatever 9 activities his contractors are conducting 10 on these days. 11 Q. Does it look like Mr. Bond was 12 the person who PyroSignal was working with 13 on this project? 14 MR. CLARK: Objection to form. 15 A. It looks like he was involved. 16 Q. Were you involved in this 17 project? 18 A. I was aware of it. 19 Q. Did you direct any part of the 20 project? 21 A. I don't recall. 22 Q. Were you simply aware of it or 23 were you monitoring it? 24 MR. CLARK: Objection to form. 25 A. I'm not quite sure. It was --</p>	Page 203	<p>1 M. ROCHE 2 MR. CLARK: Objection. You can 3 answer. 4 A. Fire Safety was managing it, and 5 the highest ranking person in Fire Safety 6 is Joe Pasquarello. 7 Q. Right. So I know that Fire 8 Safety as a department was managing it and 9 I know what Joe's title was, but who was 10 actually doing the work of managing this 11 project? 12 MR. CLARK: Objection to form. 13 A. I think you asked me that 14 already and I'm not sure what else I can 15 tell you. I -- the -- the fact is, I 16 don't recall specifically who it was. I 17 know that Matt was involved. I know that 18 Joe Ecklof was involved. I know that Joe 19 Pasquarello was involved. 20 Q. Can you scroll down to the page 21 stamped 676? It's page seven of this 22 exhibit. At the top of the page, do you 23 see the paragraph that starts with the 24 number 12? 25 A. Yes.</p>	Page 205

<p>1 M. ROCHE 2 Q. It says: 3 "Tuesday, November 6th, 2020. 4 Received an e-mail from Mr. Mike Roche to 5 attempt to facilitate the repairs prior to 6 the rescheduled NYFD testing." 7 Do you see that? 8 A. Yes. 9 Q. Do you recall giving that 10 instruction? 11 MR. CLARK: Objection to form. 12 A. I don't recall the specific 13 e-mail. I'm not surprised to see that. I 14 think it's always my intention to expedite 15 any repairs and testing as best as 16 possible. 17 Q. So you got involved -- strike 18 that. 19 How did you know that the 20 testing was -- how did you know that the 21 NYFD testing was coming? 22 A. Because I review the regulatory 23 documentation. 24 Q. And why did you decide to change 25 the date for the -- for the vendor to</p>	Page 206	<p>1 M. ROCHE 2 counseled, it would have been done so by 3 Joe Pasquarello. I don't believe he was. 4 Q. Do you think he should have 5 been? 6 A. This states one side of the 7 story. I don't know if that e-mail was 8 sent. Based on what they're saying, I 9 don't know what time that e-mail was sent. 10 There's a lot of factors in here that I 11 don't have enough context to make a 12 judgment on. 13 Q. Were you alerted about the visit 14 from PyroSignal that was scheduled for 15 that day? 16 A. I don't recall. It's possible 17 that I was. 18 Q. Is it likely that you were? 19 MR. CLARK: Objection to form. 20 A. I wouldn't say it's likely. It 21 is clear that I had reached out -- prior. 22 THE COURT REPORTER: I'm sorry, 23 sir. You said, "It is clear that I 24 had reached out"?</p> <p>25 A. It's clear from this letter that</p>	Page 208
<p>1 M. ROCHE 2 come? 3 MR. CLARK: Objection to form. 4 A. I wanted the repair and testing 5 to occur quicker, as quickly as possible. 6 Sometimes it requires somebody at my level 7 to get involved and send an e-mail 8 requesting that. 9 Q. Do you see the next paragraph 10 with the number 13? It says: 11 "Thursday November 8th, 2020. 12 Arrived on site with three men to shut 13 down the new expanded valve schedule 14 previously provided. We were advised by 15 Mr. Matthew Bond that he was unaware of 16 the scheduled date, despite e-mail 17 notifications on the previous date." 18 Do you see that? 19 A. I do see that line, yes. 20 Q. Was Matt Bond reprimanded for 21 not being aware of the work or not being 22 aware of the scheduled visit from 23 PyroSignal? 24 A. Matt Bond reported to Joe 25 Pasquarello. If he was going to be</p>	Page 207	<p>1 M. ROCHE 2 I had reached out two days prior on 3 November 6th, but I don't know if I 4 received that e-mail. I get a lot of 5 e-mails and it was two years ago. 6 Q. You can take a minute to look 7 through the remainder of the letter, but 8 can you let me know if Joe Pasquarello is 9 mentioned at any point in the letter? 10 A. Yes, he is -- 11 MR. CLARK: You want him to just 12 look at the -- sorry. Let me -- do 13 you want him to just look at the 14 remainder of the letter or the entire 15 nine-page, single-spaced letter? 16 MS. SELIGER: All right. I'm 17 going to strike that question. 18 Q. Do you know why the vendor 19 drafted this letter? 20 MR. CLARK: Objection to form. 21 You can answer. 22 A. I do not. 23 Q. All right. I am done with that 24 exhibit. Can you tell me when you first 25 decided that you wanted to hire a Fire</p>	Page 209

<p>1 M. ROCHE 2 Safety director for Mount Sinai Hospital? 3 A. No. I don't have the exact 4 date. I know that I started initially 5 having issues with Joe Pasquarello's 6 performance back in December of 2020 to 7 the point where I had considered giving 8 him a counseling at that point and 9 previously back in about October, 10 September/October time frame which is when 11 his annual evaluation was done. 12 So from then on, I had concerns 13 about his abilities. I had concerns about 14 him not being able to function at the 15 level that his title reflected. So it was 16 always in the back of my mind. That's the 17 best answer I can give you for that. 18 Q. So had you been considering 19 replacing him for a long time? 20 MR. CLARK: Objection to form. 21 A. I never considered replacing 22 him. What I had considered was moving 23 somebody in there that could provide the 24 direction that he clearly needed and could 25 dedicate more time to working with him.</p>	<p>Page 210</p> <p>1 M. ROCHE 2 Pasquarello prior to May of 2021? 3 A. I had drafted a counseling back 4 in December of the previous year. 5 Ultimately, we decided not to issue that 6 counseling. By "we," I mean myself. 7 I decided not to issue that 8 counseling after a conversation that I had 9 with Chris Hariegel and Bob Shaffer where 10 they acknowledged that there were issues 11 with his performance, but they also -- Bob 12 specifically committed to working more 13 closely and directly and spending at least 14 one full day per week with him to review 15 everything that was going on. 16 So I told Bob that I was willing 17 to give it a chance. Ultimately, that was 18 not successful. Joe did not improve and 19 we began a counseling. 20 Q. Did you meet with Chris Hariegel 21 and Bob Shaffer together or separately 22 when you discussed Joe Pasquarello's 23 performance? 24 A. Together. For the -- 25 Q. Okay.</p>
<p>1 M. ROCHE 2 Q. So when did you finally make the 3 decision that you had to hire someone as 4 the director? 5 A. I would say probably in -- in 6 May of 2021, it had gotten to the point 7 where I didn't think the issues could be 8 resolved by any other method than bringing 9 in somebody who was more experienced in 10 what we do in, specifically, Fire Safety. 11 Q. And is Bernie Nuñez more 12 experienced in Fire Safety than Joe 13 Pasquarello? 14 A. Yes. 15 Q. In what way? 16 A. He has far more health care 17 experience. He's more familiar with the 18 codes. He's more familiar with Joint 19 Commission. He has successfully for 20 multiple years done an excellent job at 21 documentation. He's proven himself at 22 multiple levels, continuously taking on 23 more responsibility and he was a strong 24 prospect. 25 Q. Did you ever write up Joe</p>	<p>Page 211</p> <p>1 M. ROCHE 2 A. -- the specific -- I'm sorry. 3 But the specific meeting I'm -- I'm 4 thinking of took place in Chris Hariegel's 5 office with Bob Shaffer there. Obviously 6 we had other conversations outside -- 7 independently outside of that specific 8 conversation, so it was discussed in 9 multiple times. 10 Q. And do you remember 11 approximately when that meeting was? 12 A. Yes. It likely would have been 13 in December. I have a draft counseling 14 dated in December of 2020. 15 MS. SELIGER: That draft 16 counseling was not provided to us. 17 I'm going to ask that it be produced. 18 It was requested. 19 Q. Did you ever file that 20 counseling or did you decide not to? 21 A. I didn't file it. I didn't send 22 it to HR. I reviewed it with Bob Shaffer 23 and Chris Hariegel. 24 Q. And did Chris Hariegel also 25 volunteer to provide support to Joe</p>

<p>1 M. ROCHE 2 Pasquarello? 3 A. No. 4 Q. What did Bob Shaffer say he 5 would do to support Joe Pasquarello? 6 A. Met with him regularly. He 7 coached him. He tried to give him 8 direction and advice. 9 Q. And did you say he did that on a 10 weekly basis? 11 A. Yes. 12 Q. And how do you know that that 13 happened on a weekly basis? 14 A. Because I work at the same place 15 that Joe works at and I saw Bob 16 frequently. Bob committed to meeting with 17 him weekly. 18 Q. So you saw him meet with Joe on 19 a weekly basis after that point, after 20 sometime in December of 2020? 21 A. Very frequently, yeah. I mean, 22 I wasn't signing him in and out of the 23 institution, but he was here far more than 24 he was previously. 25 Q. And when he was at your</p>	Page 214	<p>1 M. ROCHE 2 feel that it was getting to be repetitive, 3 where he would ask for training on the 4 same things he was already trained on. 5 Towards the end, he basically 6 said that, you know, he didn't think that 7 he had what it would take to continue in 8 this role or be successful in the role. 9 Q. Was Bob's feedback ever 10 documented by you or Bob? 11 A. Not that I'm aware of, no. It 12 all happened verbally. 13 Q. Do you know if that feedback was 14 ever provided to HR? 15 A. It may have been provided. I 16 know that I didn't provide it, but it 17 likely would have been provided during the 18 investigation of the case that he opened 19 up with HR. 20 Q. That Joe Pasquarello opened up? 21 A. Yes. 22 Q. But as far as you know or do you 23 know if there are any written statements 24 from Bob Shaffer about Joe Pasquarello? 25 A. Specific to this occurrence?</p>	Page 216
<p>1 M. ROCHE 2 building, he was with Joe Pasquarello 3 training him? 4 A. Yes. 5 Q. And did he report back to you 6 about his interactions on a weekly basis? 7 A. No. 8 Q. Did he ever give you feedback 9 about his meetings with Joe Pasquarello? 10 A. Yes. 11 Q. How often? 12 A. Not that often. Probably 13 monthly. Maybe less often than that. 14 Q. So between December of 2020 and 15 June of 2021, over those six months, how 16 often do you recall getting feedback from 17 Bob Shaffer about Joe Pasquarello's 18 performance? 19 A. It's tough to say. A handful of 20 times. 21 Q. And what was the feedback? 22 A. Started out decent. He felt -- 23 Bob felt like they were making progress. 24 Sometime over those six months, it -- it 25 kind of stagnated a bit and Bob seemed to</p>	Page 215	<p>1 M. ROCHE 2 Q. As just related to Joe 3 Pasquarello's performance? 4 A. I don't know. 5 Q. And when did you post the job 6 for the Fire Safety director? 7 A. Probably -- probably early -- 8 early June, give or take a month. 9 Q. And how did you go about posting 10 it? 11 A. Well, the same way I go about 12 posting every job where I reach out to -- 13 I think in this case, it was posted by 14 Dorothy Perez. But usually, immediately 15 after it's posted, a recruiter will get in 16 touch with me and will be assigned to fill 17 that role. 18 Q. And so did you give Dorothy 19 Perez information about the title and 20 responsibilities that the role would 21 encompass? 22 A. So I told her that we were 23 looking to hire a director of fire safety. 24 She already had the job description for 25 that role and level, which she included in</p>	Page 217

<p>1 M. ROCHE 2 the posting. 3 Q. Did you tell anyone before you 4 posted it? 5 A. I told Joe. 6 Q. When did you tell him? 7 A. On -- it was one of our weekly 8 meetings on May 25, 2001 -- I'm sorry -- 9 2021, where I had voiced that, you know, 10 two previous issues that were not 11 acceptable that were under his control 12 which resulted in poor outcome, that he 13 would be receiving a counseling report as 14 a result of that. 15 I believe that's the date where 16 I also informed him that it was our 17 intention to bring in somebody above him 18 in order to provide assist -- assist -- 19 additional direction and help with 20 prioritization. 21 Q. So you told him you think in 22 that May 25, 2021 meeting that you were 23 going to be looking for a director; is 24 that what you said? 25 A. I believe so, yes.</p>	Page 218	<p>1 M. ROCHE 2 of that, but I think I did. 3 Q. Is there any reason you would 4 not have sent him the link to the job 5 posting? 6 MR. CLARK: Objection to form. 7 A. Well, again, I don't think he 8 would have been a good candidate. He was 9 not performing adequately at a lower level 10 and we don't generally promote people that 11 have a history of poor performance. 12 Q. What about Matt Bond? 13 MR. CLARK: Objection to form. 14 What -- what about him? 15 Q. Would you say he has a history 16 of poor performance? 17 A. He did have a period of poor 18 performance. 19 MS. SELIGER: If, in fact, an 20 e-mail was sent to Joe Pasquarello 21 with a link to the job posting, I am 22 calling for its production. 23 Q. Was the position posted for 24 external candidates or internal 25 candidates?</p>	Page 220
<p>1 M. ROCHE 2 Q. And did you make it clear to him 3 that he would not be eligible to apply for 4 that role? 5 A. Well, as -- as a company policy, 6 he was not eligible to apply for that 7 role. If you have a disciplinary -- must 8 be -- I'm a little less certain about 9 those dates right now. I may have the 10 dates mixed up. 11 Q. Are you certain that he was not 12 eligible to apply for the position? 13 A. I'm not certain that he wasn't 14 eligible. I am certain that he did not 15 apply, but that he was made aware of it 16 and I don't think that he would have been 17 considered due to ongoing poor 18 performance. 19 Q. But did you tell him he could 20 apply? 21 A. I believe I even sent him the 22 link. 23 Q. You think you e-mailed him a 24 link to the job posting? 25 A. I think I did. I'm not certain</p>	Page 219	<p>1 M. ROCHE 2 MR. CLARK: Objection to form. 3 A. So it's always posted 4 internally. Not every position is posted 5 externally, so I do not know how it -- if 6 it was posted both ways or only 7 internally. 8 Q. Whose decision is that? 9 A. Sometimes we try to -- we post 10 it internally to see if there's any 11 interest before opening it up externally. 12 There's no clear procedure that specifies 13 whose decision it is. It could be the 14 hiring manager, which is me. It could be 15 the recruiter. In this case, I don't 16 think I specified one way or the other, so 17 it got posted however, you know, it 18 defaulted to get posted. 19 Q. Had you already had someone in 20 mind for the position when you posted it? 21 A. Not at that time, no. 22 Q. If it was posted internally, 23 would it show up as a notification to 24 employees who opt for job posting 25 notifications?</p>	Page 221

<p>1 M. ROCHE 2 MR. CLARK: Objection to form. 3 A. If it was posted internally, it 4 would show up to anybody who looked at the 5 online job postings as an employee. 6 Q. How many applicants applied for 7 that job? 8 A. In this case, I believe it was 9 only one. I'm not certain of that, but I 10 don't think we had much interest. 11 Q. Did Ron Kanterman apply for the 12 job? 13 A. Not to my knowledge. That would 14 be a bit odd, though, for a supervisor to 15 jump an assistant director and go right 16 into a director role. 17 Q. Did you interview Bernie for the 18 job? 19 A. I did, yes. 20 Q. If there were other applicants, 21 would the recruiter or Dorothy tell you 22 that other applicants had come in? 23 MR. CLARK: Objection to form. 24 A. A recruiter -- that would be the 25 responsibility of the recruiter. They</p>	Page 222	<p>1 M. ROCHE 2 I just called him and told him to come by 3 on this date, so no, I don't know that 4 there's any documentation. 5 Q. And how soon after his interview 6 did he get the job offer? 7 A. I don't remember the exact 8 circumstances around it and time frame. I 9 would say it's -- it was less than a 10 month. 11 Q. Do you recall a day when Bernie 12 Nuñez came to the building and introduced 13 himself to Joe Pasquarello as the new 14 director of fire safety? 15 A. Not specifically, no. 16 Q. Do you remember a day when 17 Bernie Nuñez came to the building and 18 introduced himself to the fire marshals as 19 the new director of fire safety? 20 A. No, not specifically. I assume 21 that was the same day. 22 Q. I'd like to look for a moment 23 back at Exhibit 3. Let me know when you 24 have it open. 25 A. Okay. I have it.</p>	Page 224
<p>1 M. ROCHE 2 don't pass along every resume that's 3 received. She does -- she does tend to do 4 her own screening of it and only passes 5 along what she deems to be qualified for 6 the job based on the requirements of the 7 job and their experience and the level of 8 the job. 9 Q. When did you interview Bernie 10 Nuñez for the role? 11 A. I don't know the exact date. 12 While the job was posted. 13 Q. Did anyone else interview him? 14 A. I believe Bob Shaffer 15 interviewed him as well. 16 Q. Is there documentation from the 17 interviews? 18 A. No. 19 Q. Scheduling or notes? 20 A. Nothing that I'm aware of, no. 21 Q. Do you think you had it in your 22 calendar to interview Bernie Nuñez? 23 A. I'm not certain I did. He's an 24 internal, you know, he's familiar with the 25 site. It could have been something where</p>	Page 223	<p>1 M. ROCHE 2 Q. So, again, this was the 3 spreadsheet that we were looking at 4 earlier with job openings and the names of 5 people who left or filled those positions. 6 Do you see Bernie Nuñez's name on there? 7 A. Want to help me out a bit? I'm 8 trying to find it, but. 9 Q. Yeah. It looks like -- I see 10 his name first show up I think it's line 11 113. It's hard to see -- 12 MR. CLARK: Are these lines 13 numbered? Mine aren't numbered. I'm 14 not sure I can count 113. 15 MS. SELIGER: Oh. Oh, sorry. 16 Yeah. I'm looking at it in native 17 format. 18 Q. In this document, the names are 19 organized by date. So if you look at -- 20 there's a date, March 23, 2021, under the 21 column for Open Position Requisition Date? 22 A. Yes, I see it. That's his 23 first -- that's unrelated to Mount Sinai 24 Hospital. That was when he was still at 25 Beth Israel.</p>	Page 225

<p>1 M. ROCHE 2 Q. And what was his position at 3 Beth Israel? 4 A. I believe he was a manager at 5 Beth Israel. 6 Q. Okay. And then the next time I 7 see his name -- oh, sorry. This is a 8 previous date. If you go up to the date 9 12/7/17? 10 A. Seventeen. Hold on. Yes. I 11 see a Bernie Nuñez. 12 Q. Is that also a Mount Sinai Beth 13 Israel position? 14 A. Yes. 15 Q. And can you tell what that line 16 is showing? Is he leaving a position or 17 filling a position? 18 A. It looks like he's filling a 19 position. 20 Q. And is that Fire Safety manager? 21 A. Yes. 22 Q. Okay. So that one predates the 23 one we looked at before. And those are 24 the only two places I see his name on this 25 document. I don't see a record of the</p>	Page 226	<p>1 M. ROCHE 2 page -- well first, actually, before we do 3 that. Would you agree that this is some 4 sort of personnel record connected with 5 Bernie Nuñez? 6 MR. CLARK: Objection to form. 7 A. This looks like the same 8 document we were looking at earlier with 9 Matt Bond. It's not a document that I've 10 ever seen or am familiar with, but it 11 appears to be related to the application 12 and the information that they inputted in 13 their application. 14 Q. Okay. So at the very bottom of 15 page eight, highlighted in blue, it says: 16 "Please list any certifications 17 or licenses related to this position." 18 Do you see that? 19 A. I do. 20 Q. And if you scroll to the next 21 page, you see a list of certifications 22 with effective dates and expiration dates. 23 Do you see that? 24 A. (Inaudible.) 25 THE COURT REPORTER: Can you</p>	Page 228
<p>1 M. ROCHE 2 opening for Fire Safety director or a 3 record of him fill the position. 4 MR. CLARK: Is that a question? 5 MS. SELIGER: No. 6 Q. Do you know why that is? 7 A. I do not. 8 Q. I just want to go to -- nope. 9 Changed my mind. I want to go to 10 Exhibit 4. Oh, I'm sorry. You can close 11 Exhibit 4. Sorry. It's Exhibit 12. 12 MS. SELIGER: If I haven't 13 already, I'm marking this as 14 Exhibit 12. 15 [The document was hereby marked 16 as Plaintiff's Exhibit 12 for 17 identification, as of this date.] 18 Q. And let me know when you have it 19 open. 20 A. Okay. So I have it open. 21 Q. Okay. I am going to ask you to 22 scroll down to page -- it's page eight of 23 this document. It's Bates stamped 24 D000520. 25 At the very bottom of the</p>	Page 227	<p>1 M. ROCHE 2 repeat that, sir? 3 A. I do. 4 Q. Do you see where it says in the 5 first certification listing, it's FDNY 6 Certificate of Fitness S-95? 7 A. Yes. 8 Q. Do you see where it says the 9 expiration date of January 4, 2022? 10 A. (Inaudible.) 11 THE COURT REPORTER: If you 12 could repeat that, sir. 13 A. Yes. 14 Q. Has Bernie renewed that 15 certification? 16 A. I would imagine so, but I don't 17 know for sure. 18 Q. Why don't you know? 19 A. Because I don't track the 20 licenses. That is done by Dorothy Perez. 21 Q. Is it a requirement for his job 22 to have this certification up to date? 23 A. I think it's listed in the job 24 description, but again, we had a lengthy 25 conversation about whether it's preferred</p>	Page 229

<p>1 M. ROCHE 2 or required, so -- 3 Q. Is it required by you to have 4 this certification? 5 MR. CLARK: Sorry. Mike, were 6 you done with your last answer? 7 THE WITNESS: Yes. I'm sorry. 8 I was. 9 MR. CLARK: Then you can answer 10 the next question. Sorry for my 11 confusion. 12 MS. SELIGER: Sorry. I didn't 13 mean to interrupt. 14 Q. Do you require Bernie to 15 maintain this certification throughout his 16 employment? 17 A. I think it's important that all 18 managers have certifications that the 19 people they are supervising have. 20 Q. So I'm not sure that answered my 21 question. So then do you actually require 22 him to keep this current? 23 A. My expectation is that he does. 24 It's not a requirement. 25 Q. What about the next</p>	Page 230	<p>1 M. ROCHE 2 A. Based on this document, yes. I 3 agree that's what it says. 4 Q. Do you know if Bernie has 5 requested to renew that certification 6 since October of 2021? 7 A. That I do know, yes. He has 8 requested an on site with the fire 9 department. 10 Q. And has he had that on site yet? 11 A. He's waiting for the scheduling, 12 but has not yet had the on site. 13 Q. Have you given him a time frame 14 within which he has to have that 15 completed? 16 A. I don't have the authority to 17 schedule the fire department, so I 18 don't -- it's not able to -- I'm not able 19 to select the date which the fire 20 department shows up for that test. 21 The request was in and, again, 22 we spoke earlier about Mr. Pasquarello 23 related to his on site and it would have 24 been sufficient had he requested that same 25 test.</p>	Page 232
<p>1 M. ROCHE 2 certification listed, the FDNY Certificate 3 of Fitness W-07? Do you see that? 4 A. I do. 5 Q. It looks like that one expired 6 on October 27, 2021. Has Bernie renewed 7 that certification? 8 A. I would have to reach out to 9 Bernie or Dorothy Perez. I'm not sure 10 that this information is current. 11 Q. Do you ask him to make sure that 12 his certifications stay current? 13 A. I have not asked him recently. 14 Q. Have you made it clear that 15 that's an expectation you have for the 16 job? 17 A. I made it clear that my 18 expectation is that he has all the 19 licenses that anybody under him has. 20 Q. Do you see the next 21 certification listed? It says the FDNY 22 Certificate of Fitness F-89? 23 A. Yes. 24 Q. Do you see that that one expired 25 October 4, 2021?</p>	Page 231	<p>1 M. ROCHE 2 Q. And did you make that clear to 3 Mr. Pasquarello that all he had to do was 4 request the test? 5 A. We did have a conversation when 6 the PIP was given to him where he was 7 uncertain if he could obtain these because 8 of the fact that some of them were 9 dependent on fire department scheduling. 10 Pat Lizararo [sic], the HR 11 representative, was in the room while we 12 discussed that and I made clear to him 13 that all he needed to do was pass the 14 written and schedule the test, not 15 necessarily complete the test within that 16 time frame. 17 Q. All right. I'm done with that 18 exhibit. I'd like to open up Exhibit 13. 19 You can let me know, Mr. Roche, when you 20 have it open. 21 MS. SELIGER: I'm marking this 22 as Exhibit 13. It's a document Bates 23 stamped CH1517 to CH1520. 24 [The document was hereby marked 25 as Plaintiff's Exhibit 13 for</p>	Page 233

<p>1 M. ROCHE</p> <p>2 identification, as of this date.]</p> <p>3 A. I'm looking at it now.</p> <p>4 Q. Can you tell me what this is?</p> <p>5 A. This looks like a job</p> <p>6 description for a Fire Safety assistant</p> <p>7 director.</p> <p>8 Q. And on the last page, there's an</p> <p>9 associate name and signature. Who -- who</p> <p>10 is that?</p> <p>11 A. Joseph Pasquarello.</p> <p>12 Q. Is this a job description that</p> <p>13 he was asked to sign while working at</p> <p>14 Crothall?</p> <p>15 A. I'm sorry. Did you not hear me</p> <p>16 again? I said yes.</p> <p>17 Q. Okay. And did you have him sign</p> <p>18 this document?</p> <p>19 A. No.</p> <p>20 Q. Who had him sign this document?</p> <p>21 A. I believe Lizarazo.</p> <p>22 Q. Is this an accurate description</p> <p>23 of the responsibilities he had while</p> <p>24 working as an assistant director of fire</p> <p>25 safety?</p>	Page 234	<p>1 M. ROCHE</p> <p>2 attending meetings part of the improvement</p> <p>3 plan that you issued him?</p> <p>4 A. It was.</p> <p>5 Q. And what exactly did you want</p> <p>6 him to do differently as part of the</p> <p>7 improvement plan?</p> <p>8 A. Do you -- are you going to call</p> <p>9 the improvement plan as an exhibit?</p> <p>10 Because it would be easier to take a look</p> <p>11 at that if you plan to do so.</p> <p>12 Q. I don't know if I created an</p> <p>13 exhibit for that. But I guess prior to</p> <p>14 going -- I can. I can add one in one</p> <p>15 second. But prior to going into the</p> <p>16 improvement plan, do you know which</p> <p>17 meetings Joe was invited to on a daily</p> <p>18 basis?</p> <p>19 MR. CLARK: Objection to form.</p> <p>20 A. No. I did not manage Joe's</p> <p>21 calendar.</p> <p>22 Q. Do you know how many meeting</p> <p>23 invitations he received per day?</p> <p>24 A. I can confirm with certainty</p> <p>25 that it's less than I receive.</p>	Page 236
<p>1 M. ROCHE</p> <p>2 A. It's an accurate description of</p> <p>3 all the items that he was supposed to</p> <p>4 oversee, yes.</p> <p>5 Q. I'm not sure if it's on this</p> <p>6 list. It may be, but was Joe Pasquarello</p> <p>7 required to attend meetings as part of his</p> <p>8 assistant director responsibilities?</p> <p>9 A. Yes.</p> <p>10 Q. Which meetings did you expect</p> <p>11 him to attend?</p> <p>12 A. I expected him to attend any</p> <p>13 meetings that he was invited to and had</p> <p>14 any responsibility over any topics being</p> <p>15 discussed.</p> <p>16 Q. Was that expectation regardless</p> <p>17 of the volume of meetings that he was</p> <p>18 invited to?</p> <p>19 A. That's a standard expectation</p> <p>20 that I think anyone who has a job should</p> <p>21 be held to. The -- are we -- are we</p> <p>22 referring just in general or are we</p> <p>23 referring to the improvement plan?</p> <p>24 Q. I guess we can go to the</p> <p>25 improvement plan. Was the issue of not</p>	Page 235	<p>1 M. ROCHE</p> <p>2 Q. Do you go to all meetings that</p> <p>3 you're invited to?</p> <p>4 A. The requirement for the</p> <p>5 improvement plan was to either attend the</p> <p>6 -- the meetings that he was invited to or</p> <p>7 to advise the organizer that he would be</p> <p>8 unable to attend.</p> <p>9 Q. And how did you know he was not</p> <p>10 attending meetings?</p> <p>11 A. I received multiple complaints</p> <p>12 from different people that there was no</p> <p>13 Fire Safety representation at any number</p> <p>14 of meetings.</p> <p>15 Q. Do you know if those people</p> <p>16 contacted Joe personally?</p> <p>17 A. I think at least one of them</p> <p>18 did.</p> <p>19 Q. Did --</p> <p>20 A. Scratch that. Two.</p> <p>21 Q. Sorry.</p> <p>22 A. At least two of them did.</p> <p>23 Q. Who were those people?</p> <p>24 A. One was Don Cardone, who is the</p> <p>25 direct -- senior director of emergency</p>	Page 237

<p>1 M. ROCHE 2 management and one was Ryan Nowicki. 3 Q. And did they complain to him 4 about not attending one meeting or were 5 there more -- was there more than one 6 meeting that they had wanted Joe to 7 attend? 8 A. More than one meeting for both 9 cases. 10 Q. Did Joe ever send one of his 11 managers to attend meetings? 12 A. I'm not sure if he did. That 13 would have been totally appropriate for 14 him to do as long as he confirmed with 15 them that they would go. The specific 16 examples that I'm referring to are 17 examples where no -- no representation 18 whatsoever from Fire Safety attended the 19 meeting. 20 Q. When did you first tell Joe that 21 he needed to start attending all meetings? 22 A. It would have been early 2020, 23 if not even late 2019. It was an ongoing 24 issue with him. 25 Q. Was Joe responsible for the fire</p>	Page 238	<p>1 M. ROCHE 2 Q. Orienting them to the 3 department? 4 A. He was responsible for training 5 them for any -- anything Fire Safety 6 specific, but there is a separate 7 onboarding process that gives them some 8 exposure to the facility and the programs. 9 Q. What is that onboarding process? 10 Is that the Foundations program or 11 something else? 12 A. That's something else. So -- 13 MR. CLARK: Objection to form. 14 A. There's a separate orientation 15 that all new employees go through called 16 New Beginnings. It's a Mount Sinai 17 training that updates everybody on who to 18 get in touch with for certain issues. It 19 lays out Fire Safety security procedures. 20 Just generally, not to the -- not to the 21 level that a manager would, but just a 22 general orientation to a new facility. 23 Q. Was Joe Pasquarello responsible 24 for reviewing and updating the Fire Safety 25 policies and procedures?</p>	Page 240
<p>1 M. ROCHE 2 marshals in the Fire Safety Department? 3 A. When? 4 Q. Whenever he did not have a 5 manager doing that? 6 A. I don't understand. Can you 7 specify when? 8 Q. I think we discussed that at 9 various times, there were managers in the 10 Fire Safety Department who were 11 responsible for the fire marshals and -- 12 and all the things connected with them. 13 During the periods of time when there was 14 not a manager in Fire Safety doing that, 15 was Joe responsible for managing the fire 16 marshals? 17 A. So Joe was responsible for 18 managing the Fire Safety Department, and 19 in the absence of other managers, by 20 default, he would be responsible for 21 managing the fire marshals. 22 Q. Was he responsible for training 23 the new managers that joined his team, 24 such as Ron Kanterman and Omelfi Garcia? 25 A. Training them on what?</p>	Page 239	<p>1 M. ROCHE 2 A. Joe Pasquarello chose to do 3 that. It was not a requirement. Just to 4 elaborate on that, all the policies 5 existed previously. We've been in, you 6 know, we've been operating here for nine 7 years, so anything new that Joe did was a 8 revision or there were some new kind of, 9 not policies legally, but procedures or 10 methods of doing something that he did 11 draft, but again, not -- it was generally 12 not something that he had to do. More -- 13 more likely that he did it as a way to try 14 and improve an issue. 15 Q. Do policies or procedures get 16 updated over time? 17 MR. CLARK: Objection to form. 18 A. So in our world, a policy is a 19 very specific thing because a policy -- if 20 you have something called a policy, it has 21 to be presented to Joint Commission if 22 requested. So the only policies we have 23 are critical infrastructure policies, 24 response type policies, things that Joe 25 himself would not be responsible for.</p>	Page 241

<p>1 M. ROCHE</p> <p>2 What he'd be responsible for is</p> <p>3 what we would refer to as a procedure,</p> <p>4 which is generally a one-page document of,</p> <p>5 you know, how we want certain things to</p> <p>6 occur.</p> <p>7 Q. And did he update procedures for</p> <p>8 the Fire Safety Department?</p> <p>9 A. Yes.</p> <p>10 Q. Sorry. Did you say yes?</p> <p>11 A. I said yes.</p> <p>12 Q. Was Joe responsible for</p> <p>13 conducting Fire Safety training for Mount</p> <p>14 Sinai Hospital staff?</p> <p>15 A. Joe was responsible for ensuring</p> <p>16 that it got done. Most of the training</p> <p>17 was conducted by the fire marshals.</p> <p>18 Q. And did he train the fire</p> <p>19 marshals on how to conduct the training?</p> <p>20 A. Not generally. Ron Kanterman</p> <p>21 did. It's a -- these types of questions,</p> <p>22 you've got to be very specific with your</p> <p>23 time frame.</p> <p>24 Q. If he had no manager, was he</p> <p>25 doing that job?</p>	Page 242	<p>1 M. ROCHE</p> <p>2 Q. Are you aware of whether or not</p> <p>3 Joe conducted construction risk</p> <p>4 assessments?</p> <p>5 A. He did.</p> <p>6 Q. Did Joe manage work orders that</p> <p>7 were assigned to Fire Safety?</p> <p>8 A. That was part of his</p> <p>9 responsibility.</p> <p>10 Q. Did he manage Fire Safety</p> <p>11 impairments?</p> <p>12 A. Yes. And I believe all these</p> <p>13 are covered in his job description.</p> <p>14 Q. Probably. When COVID-19 started</p> <p>15 and throughout the pandemic, was Joe</p> <p>16 Pasquarello responsible for addressing the</p> <p>17 Fire Safety issues that arose for the</p> <p>18 hospital as a result of the pandemic?</p> <p>19 A. Can you specify what Fire Safety</p> <p>20 issues you're referring to?</p> <p>21 Q. Well, did the circumstances of</p> <p>22 the hospital change during COVID-19?</p> <p>23 MR. CLARK: Objection to form.</p> <p>24 A. Well, clearly, they changed. Is</p> <p>25 your question did they change in a -- in</p>	Page 244
<p>1 M. ROCHE</p> <p>2 A. -- onboarded any new fire</p> <p>3 marshals during the brief time where there</p> <p>4 was no manager.</p> <p>5 THE COURT REPORTER: I'm so</p> <p>6 sorry, sir. The beginning got cut</p> <p>7 off. If you could repeat that answer?</p> <p>8 A. Sure. I said that I don't</p> <p>9 believe we onboarded any new fire marshals</p> <p>10 during the brief time that Joe had no</p> <p>11 managers under him.</p> <p>12 Q. When the hospital does</p> <p>13 construction, was Joe responsible for</p> <p>14 walking the construction area and</p> <p>15 assessing any impact on Fire Safety?</p> <p>16 A. The Fire Safety Department is.</p> <p>17 So, again, in absence of no other manager,</p> <p>18 that is Joe, unless he were to direct that</p> <p>19 to any one of the 17 fire marshals to do</p> <p>20 it in his place.</p> <p>21 Q. Is that something a fire marshal</p> <p>22 can do?</p> <p>23 A. Yes.</p> <p>24 MR. CLARK: Objection to form.</p> <p>25 A. Yes.</p>	Page 243	<p>1 M. ROCHE</p> <p>2 a -- in a Fire Safety sense?</p> <p>3 Q. Did they change in a way that</p> <p>4 would have impacted Fire Safety in any</p> <p>5 way?</p> <p>6 A. We were involved -- I mean, we</p> <p>7 were kind of the epicenter of the New York</p> <p>8 City outbreak. We worked with charity</p> <p>9 organizations to build a hospital in</p> <p>10 Central Park, so there was a lot of things</p> <p>11 that occurred which are out of the</p> <p>12 ordinary from a day-to-day basis.</p> <p>13 I don't believe that his</p> <p>14 involvement in that specific -- related to</p> <p>15 the -- the Central Park hospital, I don't</p> <p>16 think he was involved in that. And I</p> <p>17 can't think of any other ways that they</p> <p>18 would have changed specific to Fire</p> <p>19 Safety, you know, other than wearing</p> <p>20 masks, like everyone else did, other than</p> <p>21 being careful and cleaning, like everyone</p> <p>22 else did.</p> <p>23 Q. When -- when the hospital</p> <p>24 erected the hospital in Central Park, was</p> <p>25 that in a tent?</p>	Page 245

<p>1 M. ROCHE 2 A. Yes. 3 Q. So who addressed the Fire Safety 4 concerns for the tent and the people who 5 would be in it? 6 A. Myself and Chris Hariegel. 7 Q. So Joe did not advise or get 8 involved at all in Fire Safety concerns 9 for these tent facilities? 10 A. We asked Joe to call the vendor 11 and order, I don't know, 50 fire 12 extinguishers. He did that. We may have 13 asked -- we may have asked his marshals to 14 provide a training to the employees in the 15 tent, but beyond that, I can't think of 16 any substantial way that he was involved. 17 Q. Are you and Chris Hariegel Fire 18 Safety experts? 19 A. We are -- 20 MR. CLARK: Objection to form. 21 Q. Hmm? 22 A. Chris and I are more experienced 23 in Fire Safety than Joe Pasquarello is, 24 yes. 25 Q. So you were able to assess all</p>	Page 246	<p>1 M. ROCHE 2 any? Then the answer, with certainty, is 3 no. 4 Q. Did Joe Pasquarello have any 5 other responsibilities that we haven't 6 discussed yet or that are not listed on 7 the job description? 8 A. None that immediately come to 9 mind, but we do have, you know, a very 10 quickly changing environment. It's not 11 uncommon for somebody to be asked to take 12 something on. 13 Q. Okay. I'm sorry. I'm losing my 14 voice here. Do you recall having a 15 conversation with Joe at some point in May 16 about his performance in the Fire Safety 17 Department? 18 A. Yes, I do. 19 Q. I think -- I'm sorry. I think 20 you mentioned one conversation on May 25, 21 2021; is that correct? 22 A. That's -- yes. That's correct. 23 Q. Do you recall that this 24 conversation was later the subject of one 25 of Joe's complaints to HR?</p>	Page 248
<p>1 M. ROCHE 2 the Fire Safety needs of these tent 3 facilities without input from Joe 4 Pasquarello; is that what you're saying? 5 A. Yes. 6 Q. Were there any new -- excuse me. 7 Were there any new code requirements that 8 were established because of COVID? 9 A. In Fire Safety? 10 Q. Yes. 11 A. -- aware. 12 THE COURT REPORTER: Can you 13 repeat that, sir? 14 A. I said I am not aware of any. 15 Q. But you trusted your own 16 judgment to make Fire Safety assessments 17 without knowing if there were any new code 18 requirements? 19 MR. CLARK: Objection to form. 20 A. So that's not the question you 21 asked. You asked are there any? I'm 22 considering that to be a present day 23 question, which I said I was not aware of. 24 If your question is related to 25 December or January of 2020, were there</p>	Page 247	<p>1 M. ROCHE 2 MR. CLARK: Objection to form. 3 A. I recall that the conversation 4 was related to two failures to complete 5 job duties and that it ultimately led to a 6 progressive counseling. 7 Q. Did you have another 8 conversation with Joe Pasquarello prior to 9 that where you also informed him of his 10 failure to meet certain expectations? 11 A. It's very likely that I did, but 12 no specific conversation comes to mind. 13 Q. I'm sorry. I'm going to 14 specify. In -- in that same month, in 15 May, was there another conversation that 16 predated the May 25th conversation where 17 you and Joe Pasquarello were discussing 18 your concerns about his performance? 19 A. There likely was. No specific 20 conversation comes to mind. 21 Q. Okay. And in May of -- on 22 May 25, 2021 or in May of 2021 -- strike 23 that. 24 At that point, did you want Joe 25 Pasquarello to resign?</p>	Page 249

<p>1 M. ROCHE 2 A. No. 3 Q. Did you -- I apologize. Did you 4 alert Joe that you thought his time in the 5 department was limited? 6 A. Looked at Joe. That -- I did 7 not think that he was adequately 8 performing. I thought that there -- I 9 told him that I think that there have been 10 continuous issues since he got there, that 11 I had kind of cut him a little bit of 12 slack due to, you know, training and 13 onboarding and being a new employee, a 14 little bit more during COVID. We went to 15 a week on, week off rotation. And that 16 ever since then, which had been at least a 17 year in continuous full schedule, I hadn't 18 seen improvement and that I didn't -- I 19 didn't see, based on what he had showed me 20 to that point, any ability to improve. 21 MR. CLARK: Leah, at a 22 convenient time, can we take a short 23 break? 24 MS. SELIGER: Yeah. Actually, 25 now would be a great time because I</p>	Page 250	<p>1 M. ROCHE 2 A. It was reviewed by Human 3 Resources and issued by me. 4 Q. Okay. Who -- who wanted to 5 issue Joe a progressive counseling at this 6 time? 7 A. Who wanted to issue him one? 8 Q. Correct. 9 A. So I -- I was his direct 10 manager. I felt that his performance was 11 lacking and that it would be appropriate 12 to issue him a counseling. 13 Q. Okay. And is it true that you 14 identified two specific items that you 15 thought were worthy of progressive 16 counseling? 17 A. This progressive counseling 18 contains two specific incidents for which 19 he was counseled. 20 Q. And can you take a look at the 21 first incident? There's a paragraph with 22 the number one before it in the "Detailed 23 Account" section. Can you tell -- 24 A. Yes. 25 Q. -- me what -- what you were</p>	Page 252
<p>1 M. ROCHE 2 wanted to quickly create an exhibit 3 that has the PIP in it. 4 MR. CLARK: Okay. So is ten 5 minutes enough time for you? 6 MS. SELIGER: Ten minutes is 7 fine. 8 MR. CLARK: Okay. Thank you. 9 MS. SELIGER: Sure. 10 (A recess was taken.) 11 Q. So Mr. Roche, I'm going to ask 12 you to open up Exhibit 19, which I think 13 your attorney recently sent to you. 14 A. Okay. I have it open now. 15 Q. Okay. 16 MS. SELIGER: I'd like to mark 17 this as Exhibit 19 for the record. 18 [The document was hereby marked 19 as Plaintiff's Exhibit 19 for 20 identification, as of this date.] 21 Q. And can you, Mr. Roche, tell me 22 what this is? 23 A. This is a counseling report that 24 was issued to Joe Pasquarello. 25 Q. By who?</p>	Page 251	<p>1 M. ROCHE 2 writing up Joe Pasquarello for in that 3 paragraph? 4 A. Yes. So the rule violated, if 5 it matters, is neglect of job duties and 6 responsibilities where gross neglect is 7 not involved. This specific event, there 8 were two. The first one is failure to 9 notify our insurance provider that the 10 fire pump was being taken out -- taken out 11 of service. 12 Q. And was that the first time that 13 someone in Fire Safety had neglected to 14 alert the insurance company that the 15 system would be offline? 16 A. The first time ever? 17 Q. The first time in your 18 experience with Mount Sinai Hospital? 19 A. No, it was not. 20 Q. Had it ever happened while you 21 were in the position you had at that time? 22 MR. CLARK: Objection to form. 23 A. It had happened previously. I 24 believe I was in my current role, but I 25 don't know the specific date. It was a</p>	Page 253

<p>1 M. ROCHE 2 while back, yes. 3 Q. Do you remember who was 4 involved? 5 A. I do not. 6 Q. Do you know if the person who 7 neglected to call the insurance company 8 was written up? 9 A. I do not. 10 Q. Would that person -- wasn't that 11 person a Fire Safety person? 12 A. (Inaudible.) 13 THE COURT REPORTER: I'm sorry. 14 One more time, sir. 15 A. Yes. 16 Q. Do you remember how long ago it 17 happened? 18 A. I do not. 19 Q. But you think it's while you 20 still had the title that you had at the 21 time that Joe was at Crothall? 22 A. Could you restate that question? 23 Q. Sure. In any time previous to 24 this incident in May of 2021, did you 25 write up an employee or advise that an</p>	Page 254	<p>1 M. ROCHE 2 insurance company? Is that what you said? 3 A. There was a procedure put 4 together to document how it's supposed 5 to -- the notification process. So when a 6 -- a procedure was put together to say 7 that when the fire pump is being taken out 8 of service, the fire department must be 9 contacted and the insurance company must 10 be contacted. That new procedure was 11 written under Joe Pasquarello's tenure 12 here. It was followed for some time and 13 this is an event where it was not 14 followed. 15 Q. Who wrote that procedure? 16 A. That was either Joe or Ron 17 Kanterman. I don't know specifically who. 18 Q. And that revision was done prior 19 to this event? 20 A. What revision? 21 Q. The revision to the procedure. 22 Was that done prior to the event that Joe 23 was written up for? 24 A. There was no revision to the 25 procedure. It was -- it was a brand new</p>	Page 256
<p>1 M. ROCHE 2 employee be written up for failing to 3 notify the insurance company of an 4 impairment to the fire system? 5 A. I don't believe there was any 6 case where an employee was previously 7 written up for this occurrence. In this 8 specific occurrence, it's a little bit 9 different than what happened previously. 10 This occurrence happened shortly after a 11 new procedure was set up to document how 12 we have had to notify the insurance 13 company. 14 It did happen in the past, but 15 at that point, that manager was never 16 trained or informed of the fact that it 17 happened. Joe does not fall into that. 18 Prior to this event, we had the 19 discussion. They happened to have been 20 successfully doing it for a while, and 21 this was a failure to do that. 22 Q. I think I lost you somewhere 23 with the this and that, but I think you 24 said at some point, there was a change in 25 the procedures about notifying the</p>	Page 255	<p>1 M. ROCHE 2 procedure that was produced under Joe's 3 leadership. 4 Q. Okay. And was that new 5 procedure created prior to this event? 6 A. It was discussed prior to the 7 event. I believe they -- that Joe and/or 8 Ron better documented it immediately 9 following this event. 10 Q. When you say "it was discussed," 11 can you tell me who discussed it? 12 A. I discussed it with Joe. 13 Q. And -- and when did you discuss 14 putting in place a new procedure for 15 alerting the insurance company? 16 A. -- specific date. 17 THE COURT REPORTER: Can you 18 repeat that, sir? 19 A. I said I don't know the specific 20 date. Previously, we received a report 21 from the insurance company recommending 22 that as a new procedure. We then enacted 23 that new procedure. That all occurred 24 prior to this date. 25 Q. There was a communication from</p>	Page 257

<p>1 M. ROCHE 2 the insurance company prior to this date 3 asking that you create a new procedure for 4 notifying them? 5 A. Yes. 6 Q. And who did they send that 7 communication to? 8 A. That would have been sent to 9 myself and John Barton most likely. 10 Q. So how did Joe Pasquarello know 11 about it? 12 A. Because I reviewed the entire 13 report with Joe Pasquarello. 14 Q. And who sent that report? 15 A. The insurance company. 16 Q. What is the insurance company 17 called? 18 A. FM Global. 19 Q. And can you recall, even, you 20 know, to the best of your ability, when 21 that communication came in? 22 A. No. What I can recall is that 23 they inspect our site at least annually. 24 There was previously, let's say 2019 or 25 before 2019, there was a recommendation to</p>	Page 258	<p>1 M. ROCHE 2 Q. Okay. Did this incident cause 3 any change to the company's insurance 4 premium with FM Global? 5 A. Not for Crothall. The -- the 6 insurance is under Mount Sinai Hospital 7 and I don't review those fines. I'm 8 sorry. Premiums. It did negatively 9 impact our score for which the premiums 10 are based upon. 11 Q. And how do you know that? 12 A. It says it in the document. 13 They -- they define what the risk score 14 is, what impacts the risk score, and what 15 the risk score means for premiums. 16 Q. And so did you see the 17 hospital's risk score prior to this event 18 and then you saw that risk score after the 19 event? 20 A. I've seen all of them, yes. 21 Q. And were you told that the risk 22 score was negatively impacted by this 23 specific event? 24 A. That's documented in the -- in 25 the report; that the risk has increased</p>	Page 260
<p>1 M. ROCHE 2 enact that procedure of notifying them. 3 There was sometime where they came back 4 for a follow-up visit and they 5 acknowledged that that procedure had been 6 in place. And on May 6th, they came back 7 again and found the fire pump offline and 8 they had not been notified. 9 Q. When did they, meaning the -- 10 meaning FM Global, acknowledge that the 11 new procedure had been in place? 12 A. Probably -- so they come 13 annually. Honestly, I don't know, but if 14 they were there in May of 2021, they were 15 most likely there in May of 2020. I would 16 assume that's when they removed that 17 recommendation from their report. 18 Q. Sorry. When would they have 19 removed what recommendation? 20 A. In May of 2020 is when they 21 would probably have removed the 22 recommendation that we had to -- that we 23 had to notify them because they would have 24 acknowledged that we had been notifying 25 them.</p>	Page 259	<p>1 M. ROCHE 2 because of our failure to follow that -- 3 their recommended procedure. 4 Q. And what changed as a 5 consequence of that? 6 A. You already asked me that and I 7 said I don't know. 8 Q. So as far as you know, there 9 could have been no change to the premiums? 10 A. What I know is that our risk 11 increased and their premiums are based on 12 the risk. 13 Q. Do you know if the risk 14 increased the last time you saw that the 15 insurance company had not been notified of 16 an impairment? 17 A. Ask that again? 18 Q. We discussed a previous incident 19 where the fire -- the insurance company 20 was present and saw that an impairment had 21 not been reported to them. Did you 22 observe that the hospital's risk score 23 went up in that incident as well? 24 A. I can't answer that with any 25 certainty. I'm not even sure that I was</p>	Page 261

<p>1 M. ROCHE 2 in my current role when that initial 3 report came out. 4 Q. But as far as you know, other 5 than this one incident and the one that 6 you vaguely remember, the insurance 7 company had never observed an impairment 8 that -- that had not been reported to 9 them? 10 MR. CLARK: Objection to form. 11 A. Could you -- could you just ask 12 that one more time? 13 Q. As far as you know, I guess 14 during your tenure in the role that you 15 had at this -- at this time -- I'm sorry. 16 Can you just tell me what the title was 17 again? 18 A. My title? 19 Q. Yeah. 20 A. Senior director. 21 Q. During your tenure as senior 22 director, had you ever witnessed another 23 time when the -- when the insurance 24 company came to the hospital and observed 25 an impairment that had not been previously</p>	Page 262	<p>1 M. ROCHE 2 direct reports to make sure that the 3 insurance company is called for every 4 impairment? 5 A. I didn't have direct reports -- 6 the -- the only impairments that the 7 insurance company cares about are fire and 8 life safety impairments. 9 Q. When Matt Bond was the assistant 10 director of fire safety, did you 11 specifically instruct him to make sure the 12 insurance company was called for every 13 impairment? 14 A. I don't know the time period 15 where we became aware of that requirement. 16 After that requirement, it was reviewed 17 and he was certainly aware of it. 18 Q. And I think you said that after 19 a certain point, the insurance company 20 removed that requirement from the 21 hospital; is that correct? 22 A. That is -- 23 MR. CLARK: Objection to form. 24 Q. So at the time -- 25 THE COURT REPORTER: I'm sorry.</p>	Page 264
<p>1 M. ROCHE 2 reported to them? 3 A. What was the question? 4 Q. Did you ever observe that 5 happening in the past while you were a 6 senior director? 7 A. It's very common to observe -- 8 to have new findings. That's not the 9 issue here. The issue here is that this 10 finding was a result of negligence and 11 failure to follow a procedure. 12 Q. Who is -- who is responsible for 13 calling the insurance company when there's 14 a scheduled impairment? 15 A. It's a Fire Safety impairment. 16 Fire Safety is responsible for notifying 17 the insurance company. 18 Q. Does it matter who calls? 19 A. It doesn't matter to me as long 20 as it gets done. Ultimately, everything 21 stops with Joe Pasquarello. If he assigns 22 somebody under him to do it, that's fine, 23 but it is his role to make sure and ensure 24 that gets -- that gets done. 25 Q. Do you instruct all of your</p>	Page 263	<p>1 M. ROCHE 2 I apologize. Mr. Roche, please repeat 3 your answer. 4 A. That is correct. 5 Q. And so at the time that this 6 incident occurred, had they already put 7 that requirement back on? 8 A. No. This was the incident that 9 required them to put it back on. 10 Q. I want to go to the second item 11 on the performance -- sorry -- progressive 12 counseling, the same exhibit, Exhibit 19. 13 Can you tell me what the second item 14 concerns? 15 A. Related to fire door testing. 16 Q. And what was your particular 17 concern with what Joe did? 18 A. My concern with this one was 19 that, again, Joe did not follow procedure 20 and he did not track the deficiencies as 21 they should be tracked, which is within 22 TeamOps. 23 Q. Did he address the deficiencies? 24 A. Over what period of time? 25 Q. How long was this fire door</p>	Page 265

<p>1 M. ROCHE 2 project going on? 3 A. So all of the repairs that were 4 noted in that report have been addressed. 5 Q. That were noted in -- in what 6 report? 7 A. In the annual door inspection. 8 Q. So that was a 2020 annual door 9 inspection. So had he addressed all 10 the -- all the repairs for the fire doors? 11 MR. CLARK: Objection to form. 12 A. He addressed the repairs. 13 That's not the issue here. That's not why 14 he was written up. He was written up for 15 failing to follow the procedure, including 16 the -- the required documentation in order 17 to prove that all the deficiencies were 18 sufficiently tracked and we have a record 19 showing that. 20 Q. And do you need that record for 21 the Joint Commission? 22 A. Yes. 23 Q. And did Joe have any record of 24 the deficiencies and repairs that he had 25 been addressing?</p>	Page 266	<p>1 M. ROCHE 2 documentation. 3 Q. How long did that project go on? 4 A. Off the top of my head, I don't 5 know. 6 Q. Was it a matter of days or weeks 7 or months? 8 A. It was definitely more than 9 weeks. It was probably months, but again, 10 I don't know. 11 Q. Did you and Joe ever discuss 12 progress related to the fire door repairs? 13 A. Yes. 14 Q. And what did you discuss 15 regarding the fire doors? 16 A. The status of the repairs. 17 Q. And would Joe report to you the 18 status of the repairs? 19 A. (Inaudible.) 20 THE COURT REPORTER: Can you 21 repeat that, sir? 22 A. Yes. 23 Q. Did he ever show you the 24 documentation that he was using to keep 25 track of the repairs?</p>	Page 268
<p>1 M. ROCHE 2 A. Joe had an inspection report 3 showing all the deficiencies and he had, 4 at a later date, a completion report 5 showing the completed repaired 6 deficiencies. 7 Q. Did he have any other 8 documentation that he used to manage the 9 repairs of the fire doors? 10 MR. CLARK: Objection to form. 11 A. He did not have the 12 documentation sufficient or -- sufficient 13 to show that we had an understanding of 14 which doors were opened at what date 15 between those two reports. 16 Q. So did he have some 17 documentation, just not the right 18 documentation, in your opinion? 19 MR. CLARK: Objection to form. 20 A. No. He definitely did not have 21 the right documentation. I can confirm 22 that. There were no work orders made. I 23 don't know if he had any other 24 documentation, but it's -- it's kind of 25 unrelated because it's not the right</p>	Page 267	<p>1 M. ROCHE 2 MR. CLARK: Objection to form. 3 A. I'm really not sure. It would 4 help if you told me what documentation he 5 says that he had, but I don't -- I do not 6 recall seeing documentation. The only 7 thing I know for certain is that he did 8 not follow our process, which is to create 9 a work order in TeamOps. 10 Q. Did he ever tell you that he was 11 using a different system to track his 12 progress with the repairs of the doors? 13 MR. CLARK: Objection to form. 14 A. I don't remember the system he 15 was using or any conversations related to 16 it. 17 Q. When did the annual door 18 inspection repairs get completed? 19 A. Let me -- let me reread this 20 document. 21 Q. Sure. 22 A. Looks like the inspection was in 23 February of 2021 and the repairs were 24 completed sometime between then and the 25 first week of May.</p>	Page 269

<p>1 M. ROCHE</p> <p>2 Q. I'm trying to understand the --</p> <p>3 what's written here. It says:</p> <p>4 "The annual fire door inspection</p> <p>5 originally performed beginning July 2021,</p> <p>6 completed in November 2020."</p> <p>7 Is -- is there a typo somewhere?</p> <p>8 A. Yes. That's a typo. It looks</p> <p>9 like it -- it intended to be July 2020,</p> <p>10 completed in November 2020.</p> <p>11 Q. So the inspection finished in</p> <p>12 November of 2020 and then after that, is</p> <p>13 that when the repair project began?</p> <p>14 A. No. To me, that looks like the</p> <p>15 inspection began in July. The inspection</p> <p>16 is only maybe a week worth of work. The</p> <p>17 inspection is the easy part. The</p> <p>18 inspection began in July. The repairs had</p> <p>19 been completed in November, but no work</p> <p>20 orders were made. At that point, we</p> <p>21 reviewed the procedure that we require</p> <p>22 with Joe to put in place and how to track</p> <p>23 any deficiencies with work orders.</p> <p>24 We then decided to, because we</p> <p>25 did not have good documentation proving</p>	Page 270	<p>1 M. ROCHE</p> <p>2 2021. So it sounds like there was a long</p> <p>3 process where he was managing the door</p> <p>4 repairs and then there was a second</p> <p>5 inspection, and then I think you said then</p> <p>6 he was counseled on the appropriate way to</p> <p>7 manage the documentation. When did that</p> <p>8 occur, that --</p> <p>9 MR. CLARK: Object -- objection</p> <p>10 to form.</p> <p>11 A. I don't -- I don't want to use</p> <p>12 the word "counseled." Trained. He was</p> <p>13 retrained on it. That occurred after</p> <p>14 November of 2020. In between November of</p> <p>15 2020 and February of 2021.</p> <p>16 Q. And who trained him on that?</p> <p>17 A. Myself, Bob Shaffer, Bobby</p> <p>18 Denver. I believe that's it.</p> <p>19 Q. Okay. I'd like to pull up</p> <p>20 another exhibit. I'm done with this one</p> <p>21 for now. Sorry. I'm just -- it's</p> <p>22 Exhibit 18.</p> <p>23 MS. SELIGER: I'd like to mark</p> <p>24 this as Exhibit 18.</p> <p>25 [The document was hereby marked]</p>	Page 272
<p>1 M. ROCHE</p> <p>2 what happened, we did the annual test</p> <p>3 again, which started in February of 2021.</p> <p>4 The repairs were then done shortly after,</p> <p>5 completed by May of 2021. And the</p> <p>6 deficiency here is, again, he did -- he</p> <p>7 failed to follow the procedure that we had</p> <p>8 just reviewed with him.</p> <p>9 Q. So when was he not using the</p> <p>10 procedure? At what point?</p> <p>11 A. Between -- well, at both points.</p> <p>12 So he failed to use the procedure July '20</p> <p>13 through November 2020. At that point, he</p> <p>14 was, I don't want to say counseled, but I</p> <p>15 guess retrained on what the expectation</p> <p>16 is, how he needs to track the documents.</p> <p>17 And because the documents were</p> <p>18 in poor shape and we did not have work</p> <p>19 orders showing our progress, we decided to</p> <p>20 redo it. And then, again, in February,</p> <p>21 between February and May, he again failed</p> <p>22 to follow that process.</p> <p>23 Q. In February and May of 2020?</p> <p>24 A. Twenty-one.</p> <p>25 Q. Ah. In February and May of</p>	Page 271	<p>1 M. ROCHE</p> <p>2 as Plaintiff's Exhibit 18 for</p> <p>3 identification, as of this date.]</p> <p>4 Q. Let me know when you are able to</p> <p>5 see it.</p> <p>6 A. I'm looking at it right now.</p> <p>7 Q. Can you tell me what you believe</p> <p>8 these documents are?</p> <p>9 A. I'm sorry. I'm just -- just</p> <p>10 making sure I understand it. Just bear</p> <p>11 with me.</p> <p>12 Q. Sure.</p> <p>13 A. So it looks like these are the</p> <p>14 agendas that Joe provided for our weekly</p> <p>15 meetings.</p> <p>16 Q. Okay. And there are handwritten</p> <p>17 notes. Do you recognize that handwriting</p> <p>18 as yours?</p> <p>19 A. Yes.</p> <p>20 Q. So I think this exhibit is</p> <p>21 organized in descending chronological</p> <p>22 order, so I want, if you don't mind,</p> <p>23 please scroll all the way to the second to</p> <p>24 last page, page 18. Do you see that page</p> <p>25 that's -- it says, "November 2, 2020" at</p>	Page 273

<p>1 M. ROCHE 2 the top? 3 A. November 2, 2020? Yes. 4 Q. Do you see under "Vendor 5 Management" where it says, "Fire Door 6 Solutions, phase one complete, should get 7 report this week with the phase two 8 quote"? 9 A. Yes. 10 Q. Is that related to the fire door 11 project that Joe was working on? 12 A. Yes. 13 Q. Did you and Joe discuss the fire 14 door project at that meeting? 15 A. Yes. 16 Q. If you scroll up to the previous 17 note or page 16, do you see near the 18 bottom where it says, "FLSD Plans," the 19 second -- the third bullet point, the 20 second white bullet point. It says: 21 "Break down of the remaining 22 doors from the last Brand report. I am 23 following up on it. Not satisfied with 24 what was provided. Asked Olympic to 25 supply a quote, still waiting."</p>	Page 274	<p>1 M. ROCHE 2 And then it says: 3 "Green - fully resolved doors, 4 no further attention is needed at this 5 time. Orange - parts ordered, to be 6 repaired at a later time," and "Red - 7 client will address needs -- client will 8 address, needs further attention." 9 Do you see that whole section? 10 A. Yes. 11 Q. Do you know what Joe is 12 referring to with the green, orange, and 13 red? 14 A. Yes. He's referring to the 15 report that we received from Fire Door 16 Solutions. They use kind of a 17 color-coding scheme to show you the status 18 of the doors. 19 It shows you green is completed 20 or working properly. Orange is that it's 21 not working properly and they need to 22 order parts. And red is either that it's 23 not working properly, maybe it's a bigger 24 issue, maybe they need to replace the door 25 or maybe they have something blocking the</p>	Page 276
<p>1 M. ROCHE 2 Do you see that? 3 A. Yes. 4 Q. Is that related to the same fire 5 door project? 6 A. It is related to fire doors. I 7 don't believe it's related to the same 8 fire door project because it references a 9 different vendor. The vendor it 10 references is Brand Services and the other 11 fire door provider was Fire Door 12 Solutions. He references them somewhere. 13 You'll see FDS. 14 Q. Okay. If you scroll up to the 15 previous entry, I'm looking for the first 16 page. It's page 12 of this exhibit. It's 17 dated December 22, 2020? 18 A. Yes, I see it. 19 Q. Do you see near the bottom of 20 that page, it's Bates stamped D660, where 21 it says, "Doors" in bold and it says: 22 "Working with FDS to close all 23 door issues and have staff trained by 24 venue [sic] -- vendor. Waiting for date 25 of next phase, parts on order."</p>	Page 275	<p>1 M. ROCHE 2 door, and the client, in this case Joe, 3 would need to directly address. 4 Q. So do you believe you discussed 5 all that at that meeting where this -- 6 where these notes are listed? 7 A. So, clearly, he presented it to 8 me. I don't know what level of detail we 9 discussed. 10 Q. Okay. If you scroll up to page 11 ten of this document, it's a page -- D658. 12 A. Yes. 13 Q. Do you see, kind of a third away 14 from the bottom, where it says "Doors" in 15 black and then it says in blue, "Working 16 with FDS to close all door issues"? 17 A. Yes. 18 Q. What does that mean? 19 A. I think it means he's working 20 with Fire Door Solutions to close all the 21 door deficiencies. 22 Q. And so he likely reported that 23 to you? 24 A. It was presented to me, yes. 25 Q. I'm going to scroll up again.</p>	Page 277

<p>1 M. ROCHE 2 On page nine, again, near the bottom of 3 the written section, it says: 4 "FDS order all parts to complete 5 all remaining doors and new finds will be 6 back 2 to 15 [sic] to complete. 2021 7 inspection to be scheduled for end of 8 February or early March." 9 Do you see that? 10 A. Sorry. I lost you. We're on 11 page ten or we're above that? 12 Q. Sorry. Page nine. It's Bates 13 stamped 657. 14 A. Okay. On there, yeah. Three 15 bullets up from the bottom. I see that 16 line, yes. 17 Q. Does it look like Joe gave you 18 another update on the doors? 19 A. Yes. 20 Q. I'm going to ask you to scroll 21 up again. Do you see on page four, it's 22 Bates stamped D652, it's dated June 1, 23 2021? 24 A. Yes. 25 Q. Do you see the last paragraph</p>	Page 278	<p>1 M. ROCHE 2 says: 3 "Fire Door Solutions, two doors 4 on order and two doors being checked by 5 Brand." 6 Is that -- is that related to 7 the fire doors project that we were 8 discussing? 9 A. It appears to be, yeah. It 10 appears that he's got two different 11 vendors working on different issues, so 12 I'm not sure which one is which, but, 13 certainly, it's related to fire doors. 14 Q. So would you agree that you 15 received week -- regular updates on the 16 door system? I mean, on the door repair 17 project? 18 MR. CLARK: Objection to form. 19 Q. I'm sorry -- 20 A. -- received -- 21 Q. Sorry. 22 A. I did receive updates and Joe 23 was not counseled for a failure to provide 24 updates. 25 Q. Are you saying that he never</p>	Page 280
<p>1 M. ROCHE 2 that has a bullet point? It says: 3 "At the meeting with Chris in 4 February, it was agreed to add an 5 impairment coordinator, a position I still 6 believe will help the shop get to the next 7 level. I submitted a draft of a job 8 description back in February." 9 Do you see that? 10 A. I do, yes. 11 Q. Did you and Joe discuss the 12 impairment coordinator position at that 13 meeting? 14 MR. CLARK: Objection to form. 15 Which meeting are we talking about? 16 MS. SELIGER: The meeting that 17 happened on June 1, 2021. This -- 18 these seem to be notes from June 1, 19 2021. 20 A. We addressed it on multiple 21 occasions. Based on this, yes, it does 22 look like we spoke about it on that day. 23 Q. If you scroll up to page three, 24 it looks like the notes from a June 8, 25 2021 meeting. Right in the beginning, it</p>	Page 279	<p>1 M. ROCHE 2 showed you the documentation he was using 3 or he never described his process of 4 documenting the project? 5 MR. CLARK: Objection to form. 6 A. What you just showed me and what 7 we just went through is not sufficient 8 documentation by any means. It's very 9 simplistically an update of where he's at. 10 If you don't have work orders that go 11 along with all of those repairs that are 12 time stamped and show you when every 13 specific door was completed, then it's 14 irrelevant. 15 Q. I understand that. I guess my 16 question is in all of the updates that you 17 were being provided, did Joe ever show you 18 the documentation he was using for the 19 project? 20 A. Are you considering what we're 21 looking at documentation? 22 Q. No. I'm asking if he showed you 23 the documentation he actually used? 24 A. I think you -- 25 MR. CLARK: Objection to form.</p>	Page 281

<p>1 M. ROCHE 2 Go ahead. 3 A. I think you asked me earlier if 4 he used an alternate form of documentation 5 and I think I answered that by saying I'm 6 not sure what type of documentation he -- 7 he used. 8 If you're -- if you're calling 9 this documentation, then it's not 10 sufficient and it -- it does not apply. 11 If there was some other form, again, I 12 don't know that. What I have reviewed 13 with Joe were the initial inspection 14 reports and the, ultimately, at the end, 15 the completion reports. 16 Q. And nothing else? No other 17 documentation from him? 18 A. So that's the third time you've 19 asked me that. Again, I'll answer I don't 20 recall any other type of documentation. I 21 don't know how he was documenting it. 22 Q. And then the final report, 23 when -- when, again, was that received? 24 A. Which final report? 25 Q. The final inspection report?</p>	Page 282	<p>1 M. ROCHE 2 by stating that. After rereading that, I 3 see that it was brought to my attention 4 during that period. So to answer your 5 initial question, I don't have the date 6 where that was completed. 7 Q. And how was it brought to your 8 attention on May 10th or the week of 9 May 10th? 10 A. Most likely during a document 11 review session on TeamDocs. 12 Q. And who would you be doing that 13 document review session with? 14 A. Probably Joe Pasquarello, Robert 15 Denver, and Bob Shaffer. 16 Q. So would that have been the 17 first time you realized that he was not 18 using the proper documentation that 19 Crothall requires? 20 A. Most likely yes. 21 Q. Okay. I want to quickly look at 22 the performance improvement plan which 23 starts on page two of Exhibit 19. 24 THE COURT REPORTER: I'm sorry, 25 Mr. Roche. Did you say something</p>	Page 284
<p>1 M. ROCHE 2 A. -- top of my head. 3 THE COURT REPORTER: Can you 4 repeat that, sir? 5 A. I would have to look -- 6 THE COURT REPORTER: I'm sorry. 7 A. I said I -- I said I don't know 8 off the top of my head. I could look that 9 up on TeamDocs, but that's not something 10 that I have in front of me. 11 Q. Do you remember -- I think 12 you've already stated this -- when the -- 13 when the fire door inspection project was 14 finally completed? 15 MR. CLARK: Objection to form. 16 A. There were multiple projects. I 17 don't know which one you're referring to 18 and I don't know when they were completed. 19 Q. The -- the one that is the 20 subject of this write up, this -- the 21 first progressive counseling. When did 22 that project end? 23 A. I think I may have previously 24 said that it was May 10th or the first 25 week of May, and I believe that I misspoke</p>	Page 283	<p>1 M. ROCHE 2 there? I might have missed it. 3 THE WITNESS: I was just 4 acknowledging okay. 5 Q. Okay. So just quickly, I'm -- 6 I'm looking at what I think is the first 7 page of the performance improvement plan 8 or -- no. I'm sorry. The second page of 9 the performance improvement plan. And was 10 this issued to Mr. Pasquarello on the same 11 day as the progressive counseling? 12 A. Yes, it was. 13 Q. Okay. And I'm -- I'm noticing 14 that it's called a Performance Improvement 15 Plan and not a Performance Enhancement 16 Plan. Why is that? 17 MR. CLARK: Objection to form. 18 A. So there's two ways to issue 19 this -- these types of plans. One is if 20 the associate is receiving a counseling 21 along with this plan or if they've 22 previously received counseling and are 23 getting this plan as a result of that 24 counseling or if this plan is being 25 produced just as an improvement plan</p>	Page 285

<p>1 M. ROCHE 2 without any deficiencies in their 3 performance. 4 Q. So you opted to issue it as a 5 performance improvement plan? 6 A. I felt that the two items noted 7 were severe enough to reach that level. 8 Q. And had you -- strike that. 9 Let's go to the first item, 10 "Timely completion and closing of all 11 preventative maintenance tasks completed 12 by a vendor or in-house Fire Safety 13 staff." What was Joe not doing in this 14 regard? 15 A. I don't think that this implies 16 there was something that he was not doing. 17 Q. So there's -- and are you saying 18 that this item is on the performance plan, 19 but he wasn't actually -- he wasn't 20 actually failing to accomplish this? 21 MR. CLARK: Objection to form. 22 A. He wasn't failing to accomplish 23 it, but there was plenty of room for 24 improvement. 25 Q. Right now, with Bernie Nuñez as</p>	Page 286	<p>1 M. ROCHE 2 improved. 3 Q. The next item looks like it 4 concerns the F-89 certificate, and I think 5 I have explored certificates plenty with 6 you today, so I'm not going to bring it up 7 again. The next item says: 8 "Ensure all regulatory 9 documentation for the previous month is 10 received, reviewed, and uploaded to 11 TeamDocs by the 10th of the current 12 month." 13 So am I understanding correctly 14 that any regulatory documentation from 15 month one would have to be uploaded into 16 TeamDocs by the 10th of month two? 17 A. Yes, that's correct. 18 Q. And is regulatory documentation 19 documentation of preventive measures? 20 A. Some of it is. 21 Q. Okay. And right now, under the 22 direction -- while Fire Safety is under 23 the direction of Bernie Nuñez, are all 24 regulatory documents for the previous 25 month being received, reviewed, and</p>	Page 288
<p>1 M. ROCHE 2 the director of Fire Safety, is he getting 3 all of the preventative maintenance tasks 4 completed and documented by the 25th of 5 every month? 6 A. I haven't requested that from 7 him. 8 Q. Let's look at the next -- the 9 next item, "Attend all required meetings." 10 I'm not going to read the whole thing. I 11 think we discussed this already. 12 When did you decide that putting 13 meeting -- when did you decide that Joe 14 had missed enough meetings that it was a 15 performance concern? 16 A. It had been an ongoing concern. 17 While drafting this performance plan, I 18 felt that it was warranted to include that 19 statement. 20 Q. Why at that time? 21 A. Because it was an ongoing issue 22 that had not improved even after me 23 discussing with him of the issue. So I 24 felt it best to document that issue in 25 order to ensure that it approved --</p>	Page 287	<p>1 M. ROCHE 2 uploaded to TeamDocs by the 10th of every 3 month? 4 A. I don't believe so. This was 5 not direction that I've given to Bernie 6 because he hasn't shown me that he 7 requires this type of micromanaging, if 8 you will. 9 This item came as a result of my 10 experience with Joe and is specific to 11 Joe. It was included as a way to ensure 12 that he meets the requirements. Prior to 13 this, it was not uncommon for it to take 14 two or three months for him to upload 15 data, which is not acceptable. If I felt 16 that Bernie is going down that same path, 17 I would correct that in a similar fashion. 18 Q. And how did you know he wasn't 19 uploading documentation for months at a 20 time? 21 A. Because I can check it in real 22 time and see what's there. 23 Q. And did Joe ever have managers 24 who were assigned with keeping 25 documentation, regulatory documentation</p>	Page 289

<p>1 M. ROCHE 2 current in TeamDocs? 3 A. So I don't mean to be 4 repetitive, but I am going to say it 5 again. Joe was the assistant director of 6 Fire Safety, and Joe was ultimately 7 responsible for the actions of the Fire 8 Safety Department. If Joe assigned those 9 duties to a subordinate, Joe was also 10 responsible for ensuring that they got 11 accomplished. 12 Q. What if Joe was absent? Like 13 let's say he was on vacation or sick, who 14 is responsible for addressing these things 15 in his absence? 16 A. He set that up with -- ahead of 17 time. It's not uncommon for people to 18 review their, you know, if it's a planned 19 absence or even if it's unplanned, you 20 know, we're -- we're basically -- this 21 role is you're available almost 24/7. 22 It's a salaried position. 23 The expectation is you have your 24 duties covered. If you have to be out of 25 work for some time, the expectation is</p>	Page 290	<p>1 M. ROCHE 2 uncommon for one person to ask another to 3 cover them for any type of meeting or 4 deadline or anything. So we have 33 5 people here. There were people that he 6 could have asked. 7 Q. Okay. So I'm going to go to the 8 next item. It says: 9 "Ensure life safety work orders 10 are created for all life safety 11 deficiencies by the next business day per 12 your current procedure." 13 Does that mean that Joe was 14 actually doing this and you're telling him 15 to continue? 16 MR. CLARK: Objection to form. 17 A. What it really means is that he 18 has a procedure, a written procedure in 19 place that he failed to follow on a fairly 20 regular basis. This was a way to document 21 that and ensure that it gets done 22 appropriately. 23 Q. Did you ever express to him that 24 he was not meeting your expectations with 25 respect to this item?</p>	Page 292
<p>1 M. ROCHE 2 that you make arrangements sufficient to 3 stay compliant. 4 Q. And if you're out sick 5 unexpectedly, who is responsible for 6 meeting these conditions? 7 A. I have -- personally have 8 arrangements with other managers where if 9 I'm out, they'll know which meetings have 10 to get attended or what duties have to get 11 done. Many of the other managers have 12 similar arrangements. I don't know what 13 Joe's was. I presume he never took those 14 appropriate actions. 15 Q. Why do you presume that? 16 A. Because there were a number of 17 times where he was out and issues were 18 missed. 19 Q. And were all of those times when 20 he had managers to take on those 21 responsibilities? 22 A. There's always managers to take 23 on those responsibilities. Even if 24 they're within Engineering, it's a team 25 environment. I mean, it's -- it's not</p>	Page 291	<p>1 M. ROCHE 2 A. Yes, regularly. And we had, 3 again, this item is directly related to 4 the door repair conversation we had where 5 he was not making work orders for new 6 deficiencies. 7 Q. And right now, do you require 8 Bernie Nuñez to ensure that life safety 9 work orders are created for all life 10 safety deficiencies by the next business 11 day? 12 A. Yes. 13 Q. And has he met that expectation? 14 A. Yes. 15 Q. The last one says: 16 "Ensure all urgent impact ISLM 17 are completed properly and closed out in 18 TeamOps within 24 hours." 19 Can you tell me what that means? 20 A. Yes. So that's -- that's 21 actually a typo. It should be ILSM, and 22 it stands for Interim Life Safety Measure. 23 Q. Mm-hmm. 24 A. And basically, what it's -- if a 25 deficiency is found, there needs to be an</p>	Page 293

<p>1 M. ROCHE</p> <p>2 immediate work order created identifying</p> <p>3 that deficiency. And if it's for a life</p> <p>4 safety system, which most of Fire Safety</p> <p>5 is, there needs to be an assessment of</p> <p>6 that work -- of what the impact of that</p> <p>7 deficiency is. So there are different</p> <p>8 measures that you can come up with,</p> <p>9 depending on what the impact is.</p> <p>10 If it's something simple, it</p> <p>11 might be just staff training in that area</p> <p>12 so that they're aware of it. Something</p> <p>13 more permanent might require construction</p> <p>14 or something to do immediately in order to</p> <p>15 correct that deficiency.</p> <p>16 What this comment is about is</p> <p>17 once that life safety work order is made,</p> <p>18 the Fire Safety Department has a</p> <p>19 responsibility to -- to review that,</p> <p>20 determine what the appropriate safety</p> <p>21 measures are to make that area safe, and</p> <p>22 document that in written form in a comment</p> <p>23 on the work order.</p> <p>24 Q. And that has to be completed</p> <p>25 within 24 hours; is that correct?</p>	Page 294	<p>1 M. ROCHE</p> <p>2 Q. When did you set up that</p> <p>3 notification?</p> <p>4 A. Back in 2019, '18. It's been in</p> <p>5 place I believe throughout Joe</p> <p>6 Pasquarello's tenure.</p> <p>7 Q. And does the notification come</p> <p>8 to him or someone else?</p> <p>9 A. It goes to him as well as other</p> <p>10 people.</p> <p>11 Q. Have you received any such</p> <p>12 notifications since Joe Pasquarello left</p> <p>13 Crothall?</p> <p>14 A. Not to my knowledge.</p> <p>15 Q. So there's never been an ILSM --</p> <p>16 an urgent impact ILSM that was closed</p> <p>17 later than 24 hours?</p> <p>18 A. There's been plenty of work</p> <p>19 orders, but there haven't been, again, to</p> <p>20 my knowledge, new work orders without</p> <p>21 comments. Bernie and Matt do a very good</p> <p>22 job of putting a comment in on a -- in a</p> <p>23 timely manner.</p> <p>24 Q. But on the PIP here, was your</p> <p>25 expectation -- it looks like your</p>	Page 296
<p>1 M. ROCHE</p> <p>2 A. Yes.</p> <p>3 Q. And what is the system that you</p> <p>4 have that tracks how timely these urgent</p> <p>5 impact I -- ILSMs are closed out?</p> <p>6 A. The system is TeamOps.</p> <p>7 Q. So you can -- are you able to</p> <p>8 pull a report from any given period and</p> <p>9 see whether or not these IL -- urgent</p> <p>10 impact ILSMs were completed within</p> <p>11 24 hours or 28 hours, et cetera?</p> <p>12 A. Talking about historical data?</p> <p>13 Q. Yeah.</p> <p>14 A. So I believe you can. I haven't</p> <p>15 personally done that. What I've done</p> <p>16 is -- is pull the -- a current report to</p> <p>17 show you what's currently open without a</p> <p>18 comment.</p> <p>19 We've also set up an automatic</p> <p>20 notification where every morning, if</p> <p>21 there's any -- any work orders that are in</p> <p>22 that category and don't have a comment,</p> <p>23 you'll immediately get an e-mail with that</p> <p>24 information basically alerting you to log</p> <p>25 in and go place a comment.</p>	Page 295	<p>1 M. ROCHE</p> <p>2 expectation was not to add comment, but to</p> <p>3 close out in TeamOps within 24 hours.</p> <p>4 MR. CLARK: Is that a question?</p> <p>5 Objection to form.</p> <p>6 Q. I'm asking if closing out the</p> <p>7 urgent impact ILSM in TeamOps is different</p> <p>8 than adding comments?</p> <p>9 A. So it is, but bear with me</p> <p>10 because it gets a little bit complicated</p> <p>11 here.</p> <p>12 So there's an original work</p> <p>13 order for the issue. So let's say there</p> <p>14 is a sprinkler that's out of service.</p> <p>15 That's the work order. It has a work</p> <p>16 order ticket number assigned to it, and</p> <p>17 it's a life safety work order.</p> <p>18 The next day that -- or</p> <p>19 overnight, if that work order doesn't have</p> <p>20 a comment, the system will automatically</p> <p>21 issue a follow up work order that will</p> <p>22 reference that work order number and it'll</p> <p>23 say, "You haven't reviewed this yet. What</p> <p>24 are -- what are the safety implications of</p> <p>25 this issue?"</p>	Page 297

<p>1 M. ROCHE 2 And that's what an urgent impact 3 ILSM is. It's related to the initial work 4 order, but it's a different work order 5 number. 6 Q. And so when you add a comment to 7 the urgent impact ILSM, does that close it 8 out? 9 A. Yeah. So that's -- so you add a 10 comment and then you close it out. And 11 once that's done, that -- that basically 12 gets tagged back to the original work 13 order so the system won't continue to send 14 out those required notifications because 15 it's aware of the fact that you've already 16 commented on this, you've reviewed it, and 17 you're good. You might be working on a 18 repair, but there's no additional 19 immediate action needed. 20 Q. Okay. And can you just put in a 21 comment or do you have to inspect anything 22 or -- or do -- take any action prior to 23 adding a comment? 24 A. It depends on the issue. 25 There's -- there's some stuff that is</p>	Page 298	<p>1 M. ROCHE 2 A. I wouldn't be surprised if there 3 was. 4 Q. So I imagine these ILSMs come in 5 frequently; is that true? 6 MR. CLARK: Objection to form. 7 A. It depends on the time period. 8 If there's a lot of repairs coming due, if 9 it's -- if it's the time of the year or 10 month where a lot of preventative 11 maintenance tasks are being done, then 12 they would come in frequently. If it's, 13 you know, there's not a lot of work being 14 done, then no, it's not uncommon to go a 15 couple days without anything. It's also 16 not uncommon to go with multiples every 17 day. 18 Q. If your Fire Safety staff was 19 out for some reason, would you take 20 responsibility to make sure these urgent 21 impact ILSMs were addressed? 22 A. Would I personally? 23 Q. Yes. 24 A. Probably not. There are other 25 people that do review it and should be</p>	Page 300
<p>1 M. ROCHE 2 descriptive enough for you to do it 3 without viewing it, but for most items, 4 you would have to see, you know, what -- 5 what the occupancy of the space is, what's 6 the impact of not doing it. So the more 7 conservative approach is to actually go up 8 there and physically see it. 9 Q. So if it requires a physical 10 inspection and the Fire Safety director or 11 assistant director is not present, who 12 would be responsible for ensuring that the 13 urgent impact ILSM is addressed? 14 A. So they can be assigned to 15 anybody. They can -- they can be assigned 16 to any other manager, but more 17 appropriately, they should probably be 18 assigned to the fire -- fire marshals. We 19 have, you know, 17 fire marshals and 20 they're more than capable of reviewing a 21 safety condition. 22 Q. Was there ever a time when Joe 23 was absent and there were no managers 24 reporting to him? 25 MR. CLARK: Objection to form.</p>	Page 299	<p>1 M. ROCHE 2 reassigning it. 3 Q. Would you instruct the ILSMs to 4 be reassigned? 5 MR. CLARK: Objection to form. 6 A. My goal is to make sure that 7 they're completed in a compliant way. 8 That would be what I would do if I -- I'm 9 sure it's happened. I may not have 10 noticed that, but my expectation is that 11 either a manager, supervisor, assistant 12 director within Fire Safety, and if none 13 of them, then a Work Control supervisor 14 would see that these are being issued, 15 nobody is responding [sic] -- responding 16 to them. Let me respond -- let me 17 reassign it to somebody else. 18 Q. So at the end of the day, if the 19 Fire Safety staff is not there, on whose 20 shoulders does it fall if certain ILSMs 21 are not addressed? Would that be your -- 22 MR. CLARK: Objection -- 23 objection to form. 24 A. Well, again, it goes back to I 25 think poor management on the -- on behalf</p>	Page 301

<p>1 M. ROCHE 2 of the assistant director of Fire Safety. 3 There should be a process in place to deal 4 with exactly that. 5 It's not my role as the senior 6 director to go out and physically inspect 7 every piece of equipment that is 8 identified, but a more appropriate 9 response would be to make sure to review 10 it with the fire marshals if -- set up a 11 process that's sustainable, that there's 12 always somebody to do it. 13 Q. And did you set up such a 14 process? 15 A. I-- 16 MR. CLARK: Objection to form. 17 A. I have not held a role as the 18 assistant director of Fire Safety. 19 Q. Right. But ultimately, doesn't 20 that assistant director of Fire Safety or 21 director of Fire Safety report to you? 22 MR. CLARK: Objection to form. 23 A. Currently, the director of Fire 24 Safety does. At the time, yes, Joe 25 reported to me.</p>	Page 302	<p>1 M. ROCHE 2 A. Yes, I did. 3 Q. And if you scroll to the second 4 page of this exhibit, what is that? 5 A. This second page is a specific 6 work order which is a preventative 7 maintenance task required to be closed. 8 The target date on it is 6/30. Based on 9 his improvement plan, it would be required 10 to be closed a little before that -- that 11 on June 25th. 12 Q. Okay. And is this the work 13 order that is cited in the second 14 progressive counseling? 15 A. It is one of the two items cited 16 in the second progressive counseling. 17 Q. And do you see where at the top 18 of this page, which is Bates stamped 19 CH953, where it says, "Reason," and it 20 says, "Dry Sprinkler Pump Annual PM"?</p> <p>21 A. Yes. 22 Q. Is this a work order for an 23 annual preventive measure? 24 A. Based on the task list where it 25 says -- yes, it is. If you look right</p>	Page 304
<p>1 M. ROCHE 2 MS. SELIGER: Can we take a 3 five-minute break just so I can see 4 how much is left? 5 MR. CLARK: Sure. 6 MS. SELIGER: Okay. Thanks. 7 (A recess was taken.) 8 Q. I'd like to look at Exhibit 20, 9 which I think, Mr. Roche, I think your 10 attorney e-mailed that to you together 11 with Exhibit 19. 12 MS. SELIGER: I'm marking this 13 as Exhibit 20. 14 [The document was hereby marked 15 as Plaintiff's Exhibit 20 for 16 identification, as of this date.] 17 A. Yes. Okay. I'm ready whenever 18 you are. 19 Q. Can you identify what this 20 document is? 21 A. So this looks like the -- a 22 second progressive counseling for Joe 23 Pasquarello. 24 Q. And did you issue this 25 progressive counseling to him?</p>	Page 303	<p>1 M. ROCHE 2 down below that, you have quarterly task 3 list and on the next page starting at 4 number 170, you have annual task list. 5 Q. And -- 6 A. When the -- I'm sorry. But just 7 to give you a little more context, in the 8 annual, you would perform all of the 9 quarterlies plus all of the annuals. 10 Q. Meaning that they -- these items 11 would all be due during the annual tests? 12 A. Yes. So each -- each line 13 there, starting with -- on the 14 quarterlies, 30, 40, 50, each one of those 15 is a separate task that you would 16 complete. The way the system works is 17 when it issues an annual, it does the 18 quarterly with the annual so that you do 19 the full -- all the annual tasks. 20 Q. I'm not sure I understand that. 21 A. So a preventative maintenance 22 for this specific asset, which is the dry 23 system compressor, gets issued four times 24 per year. Three of those four, it gets 25 issued only with the quarterly tasks and</p>	Page 305

<p>1 M. ROCHE 2 the numbers on this document would stop at 3 line number 150. And once per year, it 4 issues the complete task list for an 5 annual PM, which goes down to 260, line 6 260.</p> <p>7 Q. And the quarterly tasks, are 8 those due by the end of each quarter?</p> <p>9 A. So the -- the work order gets 10 issued on either the last day of the month 11 or the first day of the following month, 12 and it gives you 30 days to get those 13 complete. Now, for a quarterly work 14 order, that would be issued every three 15 months.</p> <p>16 Q. And does the system send an 17 alert to notify whoever needs to be 18 notified that quarterly tasks are due?</p> <p>19 A. So we have -- the system -- 20 well, not -- not the system, but the Work 21 Control supervisor routinely sends a list 22 of all open PMs to all of the managers. 23 Usually they do that at the beginning of 24 the month, middle of the month, last week 25 of the month, and then probably second to</p>	Page 306	<p>1 M. ROCHE 2 last day of the previous month. 3 And you can further -- you can 4 log into the system and go to that 5 specific asset, which it says, "Dry System 6 Compressor 36184." That's the barcode 7 number that's on that specific compressor. 8 You can type that into TeamOps and you can 9 automatically have it issued to whomever 10 is responsible for completing that.</p> <p>11 Q. And on the second page -- the 12 second page of the work order, it looks 13 like this was assigned to three people. 14 Are all those people Fire Safety people? 15 I know Joseph Pasquarello is, but at that 16 time, were those three people Fire Safety 17 people?</p> <p>18 A. So Wayne Thomas is assistant 19 director for the School of Medicine. He 20 oversees the Hess Building where this 21 specific piece of equipment is. So we 22 would commonly assign -- some of our 23 buildings have managers that are 24 responsible for just that building and 25 some are just, you know, the shop or the</p>	Page 308
<p>1 M. ROCHE 2 last day and last day just to ensure that 3 they all get closed before the end of the 4 month.</p> <p>5 But outside of that notification 6 process, every supervisor, manager, 7 assistant director is familiar with 8 TeamOps. They have their own login and 9 they have their own queue of work orders 10 that are assigned to them.</p> <p>11 Q. And who assigns the work orders 12 to the specific departments? Is that the 13 Work Control Department?</p> <p>14 A. So it's automated. Every work 15 order is -- is assigned to a shop based on 16 the type of equipment it's servicing. So, 17 for example, this is a dry sprinkler 18 compressor or a pre-action system, which 19 is a fire sprinkler system.</p> <p>20 If you see on the first -- in 21 the first box there, in the middle, it 22 says, "Shop." It says shop is Fire 23 Safety, so this automatically gets issued 24 to the Fire Safety shop at the beginning 25 of the month, or in this case, the -- the</p>	Page 307	<p>1 M. ROCHE 2 technical trade. 3 Wherever we do have a geographic 4 responsibility, we also assign them. 5 Not that they're responsible to do it, but 6 just so that if it's assigned to them, it 7 will constantly show up in their queue and 8 they'll know that it's still open at the 9 end of the month. It's just an extra set 10 of eyes.</p> <p>11 Q. All right. I am going to -- I 12 am done with that exhibit, and just ask 13 some questions.</p> <p>14 Do you recall having a 15 conversation in about August of 2021 with 16 Pat Lizarazo, Bernie Nuñez, and Joe 17 Pasquarello about missing fire drills?</p> <p>18 A. Not specifically, no. Maybe you 19 can help me refresh my memory?</p> <p>20 Q. Do you remember having a 21 conversation with those people about 22 document -- not the actual drills being 23 missing, but the documentation of the fire 24 drills not having been uploaded into 25 TeamDocs?</p>	Page 309

<p>1 M. ROCHE</p> <p>2 A. Vaguely, but no, I don't</p> <p>3 remember the specifics.</p> <p>4 Q. Do you remember wanting to write</p> <p>5 Joe up for a third progressive counseling</p> <p>6 at any time for not uploading</p> <p>7 documentation of fire drills?</p> <p>8 A. What do you mean by "wanting</p> <p>9 to"?</p> <p>10 Q. Did you draft a third</p> <p>11 progressive counseling and base it on not</p> <p>12 having timely documented fire drills?</p> <p>13 A. There -- he did have some</p> <p>14 trouble meeting aspects of his improvement</p> <p>15 plan and we did have conversations related</p> <p>16 to issuing him further progressive</p> <p>17 counseling, but I don't remember the</p> <p>18 specifics about it. Ultimately, we did</p> <p>19 not issue that counseling.</p> <p>20 Q. Whose "we"?</p> <p>21 A. Myself and HR. All the</p> <p>22 counselings that are issued are first</p> <p>23 approved through HR and then issued to the</p> <p>24 employee by the manager.</p> <p>25 Q. So do you recall not -- strike</p>	Page 310	<p>1 M. ROCHE</p> <p>2 depositions. I could e-mail it to you</p> <p>3 now quickly just to refresh the</p> <p>4 deponent's memory.</p> <p>5 MR. CLARK: Sure.</p> <p>6 MS. SELIGER: Okay. I'm sending</p> <p>7 you what we can mark as Exhibit 21.</p> <p>8 [The document was hereby marked</p> <p>9 as Plaintiff's Exhibit 21 for</p> <p>10 identification, as of this date.]</p> <p>11 MR. CLARK: Okay. I got it.</p> <p>12 Mike, I'm forwarding it to you.</p> <p>13 THE WITNESS: Okay. I got it.</p> <p>14 Q. Let me know when you've had a</p> <p>15 chance to read through it.</p> <p>16 A. Okay. I'm good. Thank you.</p> <p>17 That's helpful and that does refresh my</p> <p>18 memory.</p> <p>19 Q. So were you ever -- were you</p> <p>20 considering writing Joe up about these --</p> <p>21 about the documentation for these fire</p> <p>22 drills?</p> <p>23 A. So this was a circumstance that</p> <p>24 I felt was a deficiency according to his</p> <p>25 plan. This document is not a progressive</p>	Page 312
<p>1 M. ROCHE</p> <p>2 that.</p> <p>3 Do you recall talking to Joe</p> <p>4 Pasquarello with Pat Lizarazo about having</p> <p>5 missed or about having not timely uploaded</p> <p>6 fire drill documentation in August of</p> <p>7 2021?</p> <p>8 MR. CLARK: Objection. Asked</p> <p>9 and answered. You can answer again.</p> <p>10 A. So, again, I -- I do vaguely</p> <p>11 remember a conversation. I don't remember</p> <p>12 the specifics of that. What I remember</p> <p>13 was that there was a deficiency that was</p> <p>14 recognized for a failure to meet some</p> <p>15 parts of that plan and, ultimately, the</p> <p>16 decision was made to not issue a further</p> <p>17 progressive counseling.</p> <p>18 Q. Why is that?</p> <p>19 A. I don't recall the specifics of</p> <p>20 the circumstances. It could have been</p> <p>21 related to what happened. It -- I don't</p> <p>22 remember what it was related to.</p> <p>23 MS. SELIGER: Shawn, I do have a</p> <p>24 document. It's actually an exhibit</p> <p>25 that you have used in prior</p>	Page 311	<p>1 M. ROCHE</p> <p>2 counseling document. It is a record of</p> <p>3 conversation, so this is a document that</p> <p>4 would generally be placed in somebody's</p> <p>5 file. It's not related to discipline, but</p> <p>6 it is -- the intention is to document a</p> <p>7 conversation that took place. So in this</p> <p>8 case, Joe failed to upload certain</p> <p>9 documentation. So, yes, I do remember</p> <p>10 this.</p> <p>11 Q. And do you know who drafted this</p> <p>12 document?</p> <p>13 A. I believe it was me.</p> <p>14 Q. And did you show it to Pat</p> <p>15 Lizarazo or Joe to confirm its accuracy?</p> <p>16 A. Yes. We had a meeting to review</p> <p>17 this specific event.</p> <p>18 Q. And after the meeting, did you</p> <p>19 show them your account of it?</p> <p>20 A. I certainly showed Patty and I</p> <p>21 don't remember whether or not Joe saw</p> <p>22 this. I presume he did. But I also</p> <p>23 don't -- you know what? No. He most</p> <p>24 likely did not review it. I don't think</p> <p>25 it's typical that we would share that with</p>	Page 313

<p>1 M. ROCHE 2 a person who is mentioned in this. 3 Q. And had you considered writing 4 him up for the deficiency that you 5 discussed with him at this meeting? 6 A. I had that conversation with 7 Patty, who was, again, in HR. The feeling 8 was that he -- he did not complete a task. 9 His answer was that he thought somebody 10 else was going to do it. I didn't think 11 that was a sufficient answer. Patty 12 agreed with that statement, but she didn't 13 think it was -- that there was enough 14 documentation to proceed with a 15 counseling. 16 Q. And did you recommend that 17 Bernie Nuñez get counseled about the 18 failure to upload the documentation to 19 TeamDocs? 20 A. I did an interview, obviously, 21 with Joe. This is what that record of the 22 conversation documents. I then followed 23 up with an interview with Bernie, and he 24 had a differing account of actually what 25 happened. I reviewed that with HR and,</p>	Page 314	<p>1 M. ROCHE 2 mean regulatory tasks? 3 Q. I mean their responsibilities. 4 A. Specifically what? 5 Q. The uploading of documents to 6 TeamDocs. If one of Bernie's subordinates 7 was late, in your estimation, to do that, 8 would you hold Bernie responsible? 9 A. If I gave him a deadline. In 10 this case, Bernie did not have a deadline. 11 Joe had a deadline and Joe failed to meet 12 that deadline. Bernie did not -- was not 13 deficient in any way. 14 Q. What was Bernie's deadline for 15 uploading documents into TeamDocs? 16 MR. CLARK: Objection to form. 17 A. There is no deadline. 18 Q. He's allowed to upload them 19 whenever he wants? 20 MR. CLARK: Objection to form. 21 A. So the expectation is that it -- 22 all the regulatory documentation gets 23 uploaded in the following month. Again, 24 we -- I think we discussed this before. 25 The reason Joe was put on this</p>	Page 316
<p>1 M. ROCHE 2 ultimately, there was too much uncertainty 3 to move forward with counseling for any 4 party, in their opinion. 5 Q. Did you create a similar record 6 of your conversation with Bernie Nuñez 7 about this deficiency? 8 A. No. That -- that wouldn't be 9 standard. It is standard to investigate 10 the conversation, but this conversation 11 took place as a result of a failure. So 12 there was an excuse provided. It's -- it 13 was my obligation to investigate the facts 14 and whether or not that excuse held up. 15 Ultimately, it was determined that it was 16 uncertain. 17 Q. Who was responsible for the Fire 18 Safety Department in August of 2021? 19 A. At that point, it would be 20 Bernie. 21 Q. If Bernie's subordinates were 22 not meeting their tasks, did you hold him 23 responsible to make sure that those tasks 24 got done on time? 25 A. When you say "tasks," do you</p>	Page 315	<p>1 M. ROCHE 2 plan is because we had gone three or 3 four months without any documentation. So 4 I was required to, you know, assign -- 5 further assign a deadline to ensure that 6 it got done. Bernie did not have the same 7 history of failures. 8 Q. I'm sorry. You said that there 9 were many months when Joe had no 10 documentation and that's why he was put on 11 the PIP; is that what you just said? 12 A. No. There were -- I'm speaking 13 specifically for that item related to 14 uploading documentation by the 10th of the 15 month. 16 Q. All right. I am going to move 17 on. I'm done with that exhibit. Have you 18 actually -- have you ever heard Joe 19 Pasquarello use the words "ticked off" or 20 "blow it off"?</p> <p>21 A. He documented that I believe in 22 a letter. 23 Q. He did or you did? 24 A. I know that I read it. I may 25 have re -- recanted [sic] what he was</p>	Page 317

<p>1 M. ROCHE 2 saying, but yes, I have. 3 Q. You've heard him use those 4 words? In -- in what context have you 5 heard him use those words? 6 A. It was related to him being 7 upset about an e-mail that was sent by 8 Matt Bond requesting assistance for a 9 certain task. 10 Q. Okay. 11 (Court reporter had connection 12 issues.) 13 THE COURT REPORTER: Hello? Can 14 anybody hear me? 15 MR. CLARK: We can hear you. 16 THE COURT REPORTER: Okay. 17 Sorry. I think I froze there. I'm 18 going to read again what I had last, 19 just in case here. 20 (Previous testimony was read.) 21 THE COURT REPORTER: And that's 22 the last thing I heard. 23 Q. Oh, boy. Okay. Do you have a 24 TV in your office? 25 A. (Inaudible.)</p>	Page 318	<p>1 M. ROCHE 2 his job? 3 A. I don't believe so. 4 Q. Does Doug Rome have a television 5 in his office? 6 A. So at the time, Doug Rome and 7 Bobby Denver shared an office. 8 Q. And neither of them had a need 9 for a television to do their job? 10 A. I don't think so, no. 11 Q. If one of your direct reports 12 did have a need for a television, would 13 you approve it? 14 MR. CLARK: Objection to form. 15 A. If I felt that the need was 16 justified, I would consider it. That 17 would have to be bought with Mount Sinai 18 finances, so that's not something that I 19 feel like would be an appropriate request 20 of funding. 21 Q. Were all of the TVs that we just 22 discussed purchased by Mount Sinai? 23 A. No. 24 Q. Were they recycled televisions? 25 A. Some were. None of them were</p>	Page 320
<p>1 M. ROCHE 2 THE COURT REPORTER: I'm sorry, 3 sir. Can you repeat that? I 4 apologize. 5 A. Yes. 6 Q. And what is the business need 7 for you to have a TV in your office? 8 MR. CLARK: Objection to form. 9 A. I'm not sure what you mean by 10 "business need." 11 Q. Do you need that television for 12 the work that you do? 13 A. No. 14 Q. Does Bobby Denver have a TV in 15 his office? 16 A. Yes. 17 Q. Does he need a television for 18 the work that he does? 19 A. I don't think anybody needs a 20 television for any reason. I think there 21 are benefits of having it, but. 22 Q. Okay. Does Ryan Nowicki have a 23 television in his office? 24 A. He does, yes. 25 Q. Does he need that television for</p>	Page 319	<p>1 M. ROCHE 2 purchased out of this department's funds. 3 Q. While Joe Pasquarello was 4 working at Crothall, were any of those TVs 5 hooked up during his tenure? 6 MR. CLARK: Objection to form. 7 A. Yes. 8 Q. Which one? 9 A. I would assume they all were. 10 Q. Meaning they all -- I'm asking 11 when they were initially hooked up, not -- 12 MR. CLARK: Objection to form. 13 A. What do you mean by "hooked up"? 14 Q. Meaning were they installed and 15 allowed to become operative? I understand 16 you can have a television that's not 17 installed. 18 MR. CLARK: Objection to form. 19 You can answer. 20 A. So you're asking if the 21 televisions in their offices worked? 22 Q. I'm asking if they were 23 installed at any point during Joe 24 Pasquarello's tenure? 25 MR. CLARK: Objection to form.</p>	Page 321

<p>1 M. ROCHE 2 A. I don't -- honestly, I do not 3 know when the TVs were installed. It's 4 possible that they were installed during 5 his tenure and it's possible that they 6 were installed prior to that. 7 Q. Who would pay for that 8 installation? 9 A. Nobody would pay for it. 10 Q. Does Crothall pay for installing 11 a television? 12 A. No. 13 Q. So is it free to -- is it free 14 to Crothall to take a hand-me-down 15 television and install it into an 16 employee's office? 17 MR. CLARK: I'm sorry. Can we 18 have that read back? I missed it. 19 (Requested testimony was read.) 20 MR. CLARK: Objection to form. 21 You can answer. 22 A. Yes. 23 Q. Does Crothall have access to 24 Mount Sinai Hospital's recycled or -- or 25 recycled televisions or televisions that</p>	Page 322	<p>1 M. ROCHE 2 A. He told me he wanted to watch 3 the news. 4 Q. Why did he want to watch the 5 news at work? 6 MR. CLARK: Objection to form. 7 A. That's a question I can't 8 answer. Why does anybody want to watch 9 the news? 10 Q. Is it possible there were things 11 going on in the news that impacted the 12 work he does? 13 MR. CLARK: Objection to form. 14 A. Like fires on the news? 15 Anything's possible. 16 Q. Do you remember when he 17 requested the television? 18 A. I don't remember the specific 19 date. 20 Q. Did you instruct him to write a 21 proposal or submit any documentation to 22 you to make his request official? 23 A. I don't remember that, but I'm 24 not stating that it didn't happen. 25 Q. Do you recall that Joe</p>	Page 324
<p>1 M. ROCHE 2 are no longer in use? 3 A. There is not, like, a supply 4 depot where they keep older TVs. No, I'm 5 -- I'm not aware of any storage area for 6 recycled TVs. 7 Q. So where did these televisions 8 for these employees come from? 9 A. Probably construction projects 10 when areas were being renovated and there 11 was no longer a need. It was through 12 contacts that might be getting on a floor 13 somewhere that might have a bigger TV and 14 they're getting rid of a smaller TV. 15 Various ways. 16 Q. Do you recall Joe Pasquarello 17 requesting a TV in his office so that he 18 could perform certain functions of his 19 job? 20 A. I recall him asking for a TV. I 21 don't think that any of those were 22 business related, as you mentioned 23 earlier. 24 Q. Did he tell you why he wanted 25 the television?</p>	Page 323	<p>1 M. ROCHE 2 Pasquarello requested a large monitor to 3 help him manage the fire marshal-related 4 work? 5 MR. CLARK: Objection to form. 6 A. Yes. So that's -- that's a 7 different item, right? 8 Q. Correct. 9 A. Yes. There was a request for 10 two very large monitors to replace two 11 existing whiteboards at a cost of 12 approximately \$4,000. I was concerned 13 that, aside from the price, just of what 14 process -- what -- what exactly they would 15 be used for and what the process would be. 16 Q. Did Joe or his manager submit a 17 proposal to you regarding the monitor they 18 were requesting or that he was requesting? 19 A. Yes. 20 Q. And what did you do with the 21 proposal? 22 A. I read it and I had a lot of 23 follow-up questions for Joe, very few to 24 none of which he could answer, and I told 25 him to come back to me when you have more</p>	Page 325

<p>1 M. ROCHE 2 information. 3 Q. Did he come back to you at any 4 point or did his manager come back to you 5 at any point with answers or revisions to 6 the proposal? 7 A. He did come back to me with some 8 of those answers. My specific question -- 9 so he intended to use those monitors to 10 track shutdown requests, which is 11 currently tracked on a whiteboard. He 12 felt that it would streamline the process 13 and make it so that they would perform 14 better and not miss shutdowns. 15 I agreed with them in theory and 16 I wanted to figure out how they were going 17 to operationalize it, who was going to be 18 doing all of the inputting of the data, 19 who would have access to it, how it was 20 going to be connected. None of those 21 questions could be answered by me. What 22 -- what program they would be using, what 23 -- what it would look like. You know, 24 they -- they were not able to provide that 25 level of information.</p>	Page 326	<p>1 M. ROCHE 2 A. It's about 50 pages. I can send 3 it to you, but I'm not going to go through 4 it. 5 Q. What is it in -- in synopsis, 6 not the actual step-by-step, but what -- 7 what is it used for? 8 A. Purchasing. 9 Q. And who uses it to make 10 purchases? 11 A. Anybody that needs a new item. 12 Q. Why didn't Joe Pasquarello 13 submit his proposal to the Mount Sinai 14 Hospital purchasing system? 15 MR. CLARK: Objection to form. 16 A. Because his -- it was not 17 approved. 18 Q. By who? 19 A. Which item are we talking about? 20 The monitors or his TV? 21 Q. The monitor? 22 A. The monitors was not approved by 23 me. 24 Q. Did he know that he could make 25 submissions to the Mount Sinai Hospital</p>	Page 328
<p>1 M. ROCHE 2 Q. Given that you agreed that it 3 could be useful, did you suggest anything 4 to them about how it could be best used? 5 A. I told them that I didn't know 6 what program that would be used, but I 7 think I recommended that they reach out to 8 IT and see if there's anything existing. 9 Q. You -- you think you did or you 10 did? 11 MR. CLARK: Objection to form. 12 A. I had a lot of conversations 13 with them about this. My recommendation 14 was to reach out to IT to see how it could 15 be used. 16 Q. Are you familiar with the Mount 17 Sinai Hospital purchasing system or 18 purchasing policy? 19 A. Yes. 20 Q. What is that? 21 A. I don't understand the quest -- 22 you -- you want me to describe a policy? 23 Q. Yeah. How does it work? 24 A. It's about -- 25 MR. CLARK: Objection to form.</p>	Page 327	<p>1 M. ROCHE 2 purchasing system? 3 MR. CLARK: Did Joseph know -- 4 objection to form. 5 A. Joseph made many requisitions 6 for purchase orders. He was familiar with 7 the system. What you need to do in order 8 to request a purchase order is have a 9 proposal from a vendor. Joe didn't have 10 that. 11 Q. How do you know he knew about 12 the Mount Sinai Hospital purchasing 13 system? 14 MR. CLARK: Objection to form. 15 A. Because he -- he had made, I 16 don't know, anywhere from fifty to a 17 hundred different purchase orders over his 18 tenure. 19 MR. CLARK: Leah, it's 7:15. We 20 started at 10:00 a.m. this morning. 21 It's -- we've been on the record for 22 well over eight hours at this point. 23 I thought you said we were wrapping up 24 soon. Do we have an estimate here? 25 MS. SELIGER: Yeah. A few</p>	Page 329

<p>1 M. ROCHE 2 minutes. 3 MR. CLARK: Okay. At some 4 point, we're going to have to call it 5 a day. It's been well over the 6 seven-hour time limit. 7 Q. I understand that Joe used that 8 system for large purchases or for 9 addressing expenses from vendors, but in 10 terms of supplies or smaller purchases, 11 did Joe know that he could use that system 12 for smaller purchases? 13 MR. CLARK: Objection to form. 14 Are you asking the witness what Joe 15 knew? Mike, you can answer if you 16 know. 17 Q. Was he told he could use that 18 system for smaller purchases? 19 A. There was a finance person that 20 he could have worked with. But I think 21 that the issue here is that he didn't use 22 the system because the request was not 23 approved by his manager. 24 Q. Do all requests that go into the 25 Mount Sinai Hospital purchasing system</p>	Page 330	<p>1 M. ROCHE 2 in the price range that you mentioned 3 earlier, was your approval needed? 4 A. I don't believe so. 5 Q. Did you tell Joe that? 6 A. Did I tell Joe that my approval 7 would not be needed? 8 Q. Yeah. 9 A. No. Because I did not agree 10 with the concept. He had an idea that had 11 not been fully worked out. I told him, 12 "Please come back to me when you work it 13 out, and I'll make it happen." 14 MS. SELIGER: I am done. 15 MR. CLARK: Okay. I don't have 16 any questions. I do want to put on 17 the record, one, that Mr. Roche 18 requests a copy of the transcript to 19 review and revise as necessary, and 20 two, that Defendants will be ordering 21 their own copy of the transcript; not 22 the original that should be served on 23 Mr. Roche, but their own copy for 24 their files. 25 THE COURT REPORTER: Mr. Clark,</p>	Page 332
<p>1 M. ROCHE 2 have to be approved by a manager first? 3 A. They all have to be -- there's a 4 -- there's an approval hierarchy of 5 specifically who they have to be approved 6 by based on what it's for. Over a certain 7 limit, everything has to be approved. 8 Q. And was the cost of the monitor 9 over the limit that required your 10 approval? 11 A. It would have required multiple 12 manager approval. I don't think it would 13 have required my approval. 14 Q. What do you mean by "multiple 15 manager approval"? 16 A. Well, initially, it would have 17 had to be approved -- submitted and 18 approved by the finance person. Then 19 there would be a director, and based upon 20 the dollar amount, there might be a senior 21 director, there might be a VP. 22 Q. Are you saying all that would be 23 needed for the purchase of a monitor? 24 A. No. 25 Q. So for a purchase of a monitor</p>	Page 331	<p>1 M. ROCHE 2 did you want to put the timing on 3 there as well? 4 MR. CLARK: Please, yeah. In 5 light of the court appearance we have 6 at the end of next week, we're asking 7 for an expedited transcript. I think 8 we discussed by Monday, if doable. 9 10 [TIME NOTED: 7:19 p.m.] 11 12 MICHAEL ROCHE 13 14 15 Subscribed and sworn to 16 before me this _____ 17 day of _____, 2022. 18 Notary Public 19 20 21 22 23 24 25</p>	Page 333

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<p>1</p> <p>2</p> <p>3</p> <p>4 CERTIFICATION</p> <p>5</p> <p>6 I, MELISSA COREAS, a Notary Public for</p> <p>7 and within the State of New York, do</p> <p>8 hereby certify:</p> <p>9 That the witness whose testimony as</p> <p>10 herein set forth, was duly sworn by me;</p> <p>11 and that the within transcript is a true</p> <p>12 record of the testimony given by said</p> <p>13 witness.</p> <p>14 I further certify that I am not</p> <p>15 related to any of the parties to this</p> <p>16 action by blood or marriage, and that I am</p> <p>17 in no way interested in the outcome of</p> <p>18 this matter.</p> <p>19 IN WITNESS WHEREOF, I have hereunto</p> <p>20 set my hand this 8TH day of AUGUST, 2022.</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>																																																																																													

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

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